

Deposition of:  
**Deputy Chief Kenneth Kuebler**

September 28, 2017

DALE PHILLIPS

v.

KAREN BLAIR, et al.

Case No. 2:16-CV-880



513-233-3000  
877.233.4403  
FAX: 513-233-2310  
depo@elitereportingagency.com

*[www.elitereportingagency.com](http://www.elitereportingagency.com)*

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION  
4  
5 \_\_\_\_\_ )  
6 DALE PHILLIPS, )  
7 Plaintiff, )  
8 vs. ) CASE NO.  
9 KAREN BLAIR, et al., ) 2:16-CV-880  
10 Defendants. )  
11 \_\_\_\_\_ )  
12  
13  
14

15 Deposition of: DEPUTY CHIEF KENNETH KUEBLER  
16 Pursuant to: Notice  
17 Date and Time: Thursday, September 28, 2017  
12:15 p.m.  
18 Place: Office of Columbus  
City Attorney  
19 Richard C. Pfeiffer, Jr.  
77 North Front Street  
20 Columbus, Ohio 43215  
21 Reporter: Wendy Haehnle  
Notary Public - State  
22 of Ohio  
23  
24  
25

1 APPEARANCES OF COUNSEL:

2

3 For the plaintiff:

4 Janaya Trotter Bratton, Esq.  
5 of  
6 Gerhardstein & Branch Co., LPA  
7 432 Walnut Street  
8 Suite 400  
9 Cincinnati, Ohio 45202  
10 513.621.9100  
11 jtbratton@gbfirm.com

9

10 For the defendants:

11 Paula Jennings Lloyd, Esq.  
12 and  
13 Pamela J. Gordon, Esq.  
14 of  
15 Office of Columbus City Attorney  
16 Richard C. Pfeiffer, Jr.  
17 77 North Front Street  
18 Columbus, Ohio 43215  
19 614.645.0808  
20 614.645.7385  
21 pjlloyd@columbus.gov  
22 pjgordon@columbus.gov

18

Also Present:

19

20 Dale K. Phillips, II

21

22

23 - - -

24

25

26

1 I N D E X

2

3 DEPUTY CHIEF KENNETH KUEBLER PAGE

4 EXAMINATION BY MS. BRATTON 4

5

6 EXHIBITS MARKED REFERENCED

7 PLAINTIFF'S EXHIBIT 2 - 13

PLAINTIFF'S EXHIBIT 3 - 38

8 PLAINTIFF'S EXHIBIT 10 - 17

PLAINTIFF'S EXHIBIT 16 - 51

9 PLAINTIFF'S EXHIBIT 18 - 30

PLAINTIFF'S EXHIBIT 21 - 30

10 PLAINTIFF'S EXHIBIT 22 - 45

PLAINTIFF'S EXHIBIT 28 - 65

11

12

13 - - -

14

15

16

17

18

19

20

21

22

23

24

25

1 DEPUTY CHIEF KENNETH KUEBLER

2 a witness herein, having been duly sworn, was  
3 examined and deposed as follows:

4 EXAMINATION

5 BY MS. BRATTON:

6 Q. Good afternoon.

7 A. Hi.

8 Q. Thank you for coming in early for us.

9 Can you spell your last -- or could you  
10 state your name for the record and spell your  
11 last name?

12 A. Name is Kenneth -- or Ken -- Kuebler.  
13 Last name is spelled K-u-e-b-l-e-r.

14 Q. Okay. And your position with the  
15 Columbus police department?

16 A. I'm the deputy chief of police.

17 Q. Okay. And have you had your deposition  
18 taken before?

19 A. I have.

20 Q. And so you know to answer out loud, ask  
21 follow-up questions if you don't understand --

22 A. Yes.

23 Q. -- the question.

24 If something I say you remember later  
25 and you want to supplement it, just let me know

1 and we'll go back.

2 If you need to take a break, just let  
3 us know. Okay?

4 A. (Indicating.)

5 Q. Is there any reason today that your  
6 ability to concentrate would be hindered?

7 A. No.

8 Q. And have you looked at any documents in  
9 preparation for your deposition today?

10 A. No.

11 Q. Did you speak to anyone other than your  
12 attorney about your deposition today?

13 A. No.

14 Q. Okay.

15 A. Clarify -- I notified my chief of  
16 police I would be here today and unavailable.

17 Q. Okay. And did you look at any -- or  
18 listen to any audio or video?

19 A. No.

20 Q. Okay. And just as a formality, if we  
21 need you for trial, we'll go through your  
22 attorney. So if you leave the employ of your  
23 department, you just need to keep information  
24 updated with the city attorney's office.

25 A. Okay.

1 Q. Okay. And can you tell me your  
2 trajectory to the rank of deputy chief within the  
3 department?

4 A. I was hired as a recruit. I was in --  
5 a police officer and then a sergeant and then a  
6 lieutenant and then a commander, and now I'm  
7 deputy chief.

8 Q. Okay. And was that all in patrol, or  
9 did you work in different units?

10 A. I have worked in patrol. I have worked  
11 in our research development unit. I've worked in  
12 our technical services bureau.

13 Q. Okay. And how long have you been in  
14 your current position?

15 A. The -- it will be five years in  
16 October.

17 Q. Okay. And have you had any law  
18 enforcement outside of City of Columbus?

19 A. No.

20 Q. Okay. What about military  
21 experience?

22 A. No.

23 Q. And education?

24 A. Bachelor's, and master's will be  
25 completed in December of this year.

1 Q. In what --

2 A. Which?

3 Q. Your degree.

4 A. Bachelor's is in criminal justice.

5 Q. Okay.

6 A. And master's is communications and  
7 strategic leadership.

8 Q. And what was -- your duties as deputy  
9 chief as of September of 2014?

10 A. I don't understand.

11 Q. What does the deputy chief do?

12 A. The deputy chief oversees a subdivision  
13 of the division of police; in my case --  
14 is patrol, south division. I oversee the daily  
15 operations of approximately 675 patrol officers  
16 generally assigned to the southern half of the  
17 City of Columbus.

18 Q. Okay. And how many deputy chiefs are  
19 there?

20 A. There are six.

21 Q. Okay. And that's cordoned off the  
22 sections you were talking about?

23 A. There are six subdivisions, correct.

24 Q. Okay. And is the next level up the  
25 actual police chief?



1 A. Chief of police, correct.

2 Q. Okay. And then -- so you and the five  
3 other deputy chiefs report to the chief of  
4 police?

5 A. That is correct.

6 Q. Who is?

7 A. Kimberly Jacobs.

8 Q. And then who does Chief Jacobs report  
9 to?

10 A. She reports to the public safety  
11 director.

12 Q. And who is the safety director?

13 A. Ned Pettus.

14 Q. Okay. And do you know --

15 A. Dr. Ned Pettus.

16 Q. Do you know if Dr. Pettus was the  
17 safety director in 2014?

18 A. He was not.

19 Q. Okay. Who -- do you know who the  
20 safety director was then?

21 A. I don't recall the chronology of the  
22 last three directors.

23 Q. Okay. There have been three in two  
24 years?

25 A. Yes.

1 Q. Okay. And who were they? Do you just  
2 remember their names, not their --

3 A. Yes.

4 Q. -- timeline of service?

5 A. Mitchell Brown --

6 Q. Okay.

7 A. -- and then George Speaks, and now Ned  
8 Pettus.

9 Q. Okay.

10 A. I don't know the dates of those terms.

11 Q. Okay. Thank you.

12 And then the safety director, who do  
13 they report to?

14 A. Safety director is appointed by the  
15 mayor.

16 Q. Okay. And in your position as deputy  
17 chief, what kind of -- bad question.

18 Do you investigate complaints about  
19 your officers if there is a stop and arrest that  
20 a citizen feels is against policy?

21 A. I do not investigate those, no.

22 Q. Okay. What about use of force against  
23 policy?

24 A. I do not investigate those, no.

25 Q. Okay. Do you review investigations?

1 A. Yes.

2 Q. Okay. And can you take me through what  
3 your review process of an investigation is?

4 A. Of which type of investigation?

5 Q. Well, let's start with a stop and  
6 detention.

7 A. A stop and detention I do not review.

8 Q. Okay. So if a citizen makes a  
9 complaint that an officer stopped me for no  
10 reason, I wasn't doing anything, who would that  
11 complaint go to?

12 A. If they wish to file a formal citizen  
13 complaint, it would go through the internal  
14 affairs bureau.

15 Q. Okay. And if it goes to -- if they're  
16 in your section, what would be the chain of  
17 command for the review, whether or not the  
18 officer's stop was within policy?

19 A. Are we supposed to know if the internal  
20 affairs bureau conducted an investigation?

21 Q. Yes.

22 A. Then the officer's sergeant, and then  
23 lieutenant, and then commander, and then myself  
24 would review that investigation.

25 Q. Okay. So there are times when you

1 would review a complaint having to deal with a  
2 stop and detention?

3 A. That's correct.

4 Q. Okay. And what about uses of force,  
5 would those go through the same?

6 A. We have eight levels of uses of force.

7 Q. Okay.

8 A. And some of those reach my level of  
9 review and some do not.

10 Q. Okay. And which reach your level of  
11 review?

12 A. Those are level -- what we call level 3  
13 or higher, a Taser or higher.

14 Q. Okay.

15 A. Additionally, an outside-of-policy use  
16 of Mace --

17 Q. Yes.

18 A. -- or a use of Mace against a  
19 handcuffed prisoner would arrive to me as well.

20 Q. Okay. And as deputy chief, are you the  
21 final decision-maker on those investigations that  
22 come to you for what we discussed, the stop and  
23 detention and the use of force, 3 through -- what  
24 was the level?

25 A. 8.

1           Q.    -- 3 through 8, and then Mace outside  
2   of policy?

3           A.    Yes and no.

4           Q.    Okay.

5           A.    It is complicated, but yes and no.

6           Q.    Okay.  What's the no?

7           A.    I am the final decision-maker on  
8   in-policy use of force.

9           Q.    Okay.

10          A.    I am not the final decision-maker on  
11   outside use of force if it involves certain  
12   levels of discipline, nor am I the final decider  
13   on a use of firearms for which there's a  
14   disagreement between the firearms review board  
15   and the chain of command.

16          Q.    Okay.  If the ending result is Mace,  
17   the level of force does not go beyond Mace, would  
18   you be the final decision-maker?

19          A.    Is it within policy or not within  
20   policy?  Has the chain found it within or not?

21          Q.    If the investigator found it within  
22   policy.

23          A.    Against use -- against a handcuffed  
24   prisoner or not?

25          Q.    Well, I guess, let me go back and ask

1     this question. What if there's a dispute between  
2     the prisoner saying they were handcuffed and  
3     Maced, and an officer's use-of-force report  
4     saying that they Maced after handcuffing?

5           A. If the investigation reveals that the  
6     suspect was handcuffed at the time of use of  
7     Mace, it would arrive up to me.

8           Q. Okay. And if it found that it was --  
9     that the suspect was not handcuffed prior to,  
10    then it would go --

11          A. The commander would be the  
12    highest-level decision.

13          Q. Okay. All right. If you could, in  
14    this exhibit book, turn to Exhibit 2, please.  
15    And the second page is going to be -- looking at  
16    numbers at the bottom -- GB766.

17          A. Okay.

18          Q. Would you be the final decision-maker  
19    in this investigation; Subject, finding and  
20    recommendations for IAB database, number,  
21    201409-0040?

22          A. Yes.

23          Q. Okay. And do you know if Chief Jacobs  
24    received this case?

25          A. I do not know.

1 Q. Okay. Do you know the statistics of  
2 the use of force in the Columbus police  
3 department?

4 A. I do not, not specifically, no.

5 Q. Okay. Do you know where that  
6 information would be kept?

7 A. In the internal affairs bureau.

8 Q. Okay. Are you aware --

9 A. Some of that information is available  
10 from our annual report as well.

11 Q. Okay. And do you know whether that's  
12 broken down by the level of force?

13 A. Yes.

14 Q. Okay. And when you review the use of  
15 force, you're looking at whether or not an  
16 officer acted within policy?

17 A. Yes.

18 Q. Okay. And as part of your review, do  
19 you look to make sure that the policies are clear  
20 as they can be to the officer?

21 MS. LLOYD: Objection as to form.

22 A. Can you repeat?

23 BY MS. BRATTON:

24 Q. Uh-huh.

25 When you're looking at the policy that

1 an officer may or may not have violated, you're  
2 making that determination in your review, do you  
3 look to make sure that the policies are as clear  
4 as they can be?

5 MS. LLOYD: Objection.

6 THE WITNESS: Should I answer it?

7 MS. LLOYD: Yeah.

8 A. Not at the time, no.

9 BY MS. BRATTON:

10 Q. Okay. And then, just for future  
11 reference, for objections, unless your attorney  
12 tells you specifically, don't answer the  
13 question, you can answer. We're just making a  
14 record.

15 A. Okay.

16 Q. Okay. Do you recall a Department of  
17 Justice review of the Columbus police department  
18 in the 2000s?

19 A. Vaguely.

20 Q. Okay. And do you still participate in  
21 training?

22 A. Yes.

23 Q. Okay. And have there been any changes  
24 to your training from the time that the  
25 investigation -- the Department of Justice



1 investigation came out to September of 2014?

2 MS. LLOYD: Objection as to form.

3 A. Yes.

4 BY MS. BRATTON:

5 Q. Okay. And what were those changes?

6 MS. LLOYD: Objection.

7 A. I can't -- I can't label them all for  
8 you. There are many -- we train on hundreds, if  
9 not thousands, of topics. And those -- those  
10 trainings change --

11 BY MS. BRATTON:

12 Q. Okay.

13 A. -- regularly.

14 Q. So you don't know whether or not they  
15 were as a result of the Department of Justice?

16 A. I do not know.

17 Q. Okay. And you expect your officers  
18 to -- to use force that is within policy?

19 A. Yes.

20 Q. Okay. And also to make stops and  
21 detentions that are also within policy?

22 A. Yes.

23 Q. Okay. And are the officers taught what  
24 the -- what they have to have so that they can  
25 make a stop and detention?

1 A. What do you mean by have?

2 Q. I knew that question was coming.

3 Are officers taught that they have to  
4 have reasonable suspicion to stop and detain?

5 A. Yes.

6 Q. Okay. And when you all are in  
7 training, are you given examples about what  
8 reasonable suspicion is or is not?

9 A. Yes.

10 Q. Okay. And when is an officer permitted  
11 to use level 2 force?

12 A. When it's reasonable.

13 Q. Okay. And when you are reviewing a  
14 level 2 use of force, what do you consider in  
15 making a reasonableness determination?

16 MS. LLOYD: Objection as to form.

17 A. I would consider the policy, the  
18 training, and Graham versus Connor.

19 BY MS. BRATTON:

20 Q. Okay. And the policy you're referring  
21 to, would that be Exhibit 10?

22 Go to Exhibit 10.

23 A. That is use-of-force policy as it  
24 existed in 2014, it appears.

25 Q. Okay. So would this have been the

1 policy in place September of 2014?

2 A. I believe so.

3 Q. Okay. And do you want officers -- this  
4 may sound like a funny question.

5 But do you want officers using policy  
6 outside of the division directive?

7 MS. LLOYD: Objection as to form.

8 A. I don't understand that question.

9 BY MS. BRATTON:

10 Q. The use-of-force division directive --  
11 it's number 3.25 -- tells officers when and how  
12 to use force; is that correct?

13 MS. LLOYD: Again, I'll just object,  
14 that the policy speaks for itself as to what  
15 it says.

16 A. Yeah. I'll answer no, it does not  
17 speak when and how to use force.

18 BY MS. BRATTON:

19 Q. What does it speak to?

20 A. It speaks to the policy of use of  
21 force. But how use of force is used is a  
22 training -- is also covered in training in other  
23 ways.

24 Q. Okay. So maybe I need to explain my  
25 how. My how would be how force is used as far as

1     what the force is; so chemical spray or Taser  
2     or -- I don't want to call it a real gun -- a  
3     firearm.

4                     It tells in what situations you are  
5     supposed to escalate the level of force?

6             A.     No, it does not.

7             Q.     Okay. If you could, turn to GB2384.

8             A.     (Witness complies.)

9             Q.     And go down to B, where it says, Deadly  
10    Force. Sworn personnel may use deadly force when  
11    the involved personnel have reason to believe  
12    their response is an objectively -- objectively  
13    reasonable to protect themselves or others from  
14    the imminent threat of death or serious physical  
15    harm.

16                    MS. LLOYD: What's the question?

17                    MS. BRATTON: Well, if I could get to  
18    it.

19    BY MS. BRATTON:

20             Q.     So is this asking -- or I'm sorry -- is  
21    this stating when officers can use deadly  
22    force?

23                    MS. LLOYD: Again, I'm going to object.

24             It says what it says.

25    BY MS. BRATTON:

1 Q. You can answer.

2 A. The language says, when the involved  
3 personnel, and it goes on from there.

4 Q. Okay. So --

5 A. The word when appears in that --

6 Q. Okay.

7 A. -- paragraph, correct.

8 Q. Okay. Should your officers give  
9 commands one at a time?

10 MS. LLOYD: Objection as to form.

11 A. Should they give commands one at a  
12 time?

13 I'm -- I'm confused by the question.

14 BY MS. BRATTON:

15 Q. Are you all taught to give commands one  
16 at a time?

17 MS. LLOYD: Objection as to form.

18 A. Individually or -- I'm -- I'm confused.

19 I can -- I can only say one thing at a  
20 time. I'm not capable of making more -- two  
21 things at one time. So --

22 BY MS. BRATTON:

23 Q. So I guess what I'm asking is a double,  
24 so, get out of the car, get on the ground, or,  
25 get out of the car, suspect gets out of the car;

1 get on the ground, suspect gets on the ground;  
2 put your hands behind your back, put your hands  
3 behind your back.

4 So those are three separate commands.

5 Are you taught to say that all at once  
6 or give a command, have suspect comply, give  
7 another command, have suspect comply?

8 MS. LLOYD: Again, I'm going to object  
9 as to form.

10 A. We give commands in multiple ways.

11 BY MS. BRATTON:

12 Q. Okay. So there's -- you're not taught  
13 to allow a suspect to comply before giving a  
14 second command?

15 MS. LLOYD: Objection as to form.

16 A. We will often, actually, give more than  
17 one command at once.

18 BY MS. BRATTON:

19 Q. Okay. And what about how you all are  
20 taught about multiple officers giving commands at  
21 the same time?

22 MS. LLOYD: Objection as to form.

23 A. Can you clarify it, please?

24 BY MS. BRATTON:

25 Q. Yes.

1                   So you and a fellow officer are on  
2   scene, and there are -- they're giving a  
3   command -- the other officer is giving a command.

4                   Are you all taught that one person  
5   who's on scene is the person to be giving the  
6   commands?

7           A.   That's practical but not always  
8   possible.

9           Q.   Okay. And what are you all taught  
10   about -- what are the officers taught about  
11   giving conflicting commands?

12                   MS. LLOYD: Objection as to form.

13           A.   We would attempt to avoid giving  
14   conflicting commands --

15   BY MS. BRATTON:

16           Q.   Okay.

17           A.   -- if possible.

18           Q.   Okay. And if a conflicting command was  
19   given and the subject of the command -- citizen,  
20   suspect -- only followed one of the officers'  
21   commands, would you deem that suspect to not have  
22   followed commands?

23                   MS. LLOYD: Objection. Calls for  
24   speculation and hypothetical.

25           A.   It's probably a hypothetical. I --

1     there are too many possible -- possibilities that  
2     I wouldn't be able to directly answer that.

3     BY MS. BRATTON:

4             Q.     Okay.  If a suspect -- if one -- if a  
5     suspect is in a car -- or I'll withdraw that.

6                     Someone is walking down the street, and  
7     one officer says, get on the ground, the other  
8     officer says, don't move, and the person doesn't  
9     move.

10                    Would you consider the suspect to not  
11     have followed commands because they didn't get on  
12     the ground?

13                    MS. LLOYD:  Objection.  Calls for  
14     speculation and hypothetical.

15             A.     It's too -- I can't answer because  
16     there's too many variables to answer that  
17     specifically.

18     BY MS. BRATTON:

19             Q.     What would you need to answer that  
20     question?

21             A.     I would need to know whether the  
22     suspect heard it.  What was the suspect's  
23     actions?  What were the suspect's other expressed  
24     behaviors?

25                    There's a -- there are -- there are an



1 innumerable number of things that would change  
2 that.

3 Q. Okay. A suspect is walking down the  
4 street -- and if you get this to review, and the  
5 facts in front of you, in the packet that you  
6 have, are, a suspect is walking down the street.  
7 Two officers are in close proximity. The suspect  
8 has reported that they heard someone say -- or  
9 the officers say, get on the ground, one of the  
10 officers say, don't move. The suspect reports  
11 that they're scared to move because one of the  
12 officers has told them, don't move, so they don't  
13 move.

14 Would you deem that suspect, based on  
15 those facts that would be in your packet, to have  
16 not complied with the commands of the officer who  
17 told him to get on the ground?

18 MS. LLOYD: Again, objection as to the  
19 form and the long and complicated nature of  
20 that question. And also, it's speculation  
21 and generality.

22 A. It's not an evaluation I would make,  
23 because it's not what I evaluate. I evaluate  
24 officers' policy adherence.

25 BY MS. BRATTON:

1 Q. Okay. So is there not a policy about  
2 giving conflicting statements?

3 MS. LLOYD: Objection.

4 A. No, there is not.

5 BY MS. BRATTON:

6 Q. And what about training on providing  
7 conflicting statements?

8 MS. LLOYD: Objection as to form.

9 A. I don't recall specifically.

10 BY MS. BRATTON:

11 Q. Okay. What would you look to if you  
12 were -- if there was an allegation of a suspect  
13 getting conflicting statements, and you were  
14 doing any type of review to see if it was within  
15 policy or not, what would you go to to find out  
16 whether or not their actions were within --

17 MS. LLOYD: Objection.

18 BY MS. BRATTON:

19 Q. -- policy or training?

20 MS. LLOYD: Objection as to form.

21 A. Whether their behavior was  
22 reasonable.

23 BY MS. BRATTON:

24 Q. Okay. Do you all have a training  
25 manual?

1 A. A training manual? No.

2 Q. Okay. So when you go to trainings are  
3 you given materials, or is it just what you can  
4 glean in that -- in the classroom?

5 MS. LLOYD: Objection as to form of  
6 that question.

7 A. It depends.

8 BY MS. BRATTON:

9 Q. Okay. So some classes you get  
10 take-home materials and some classes you don't?

11 A. Yes.

12 Q. Okay. Excuse me.

13 If you could, go back to Exhibit 2,  
14 GB766.

15 A. (Witness complies.)

16 Q. And is that your signature, the  
17 second-to-the-last, where it says, DC Kuebler  
18 signature?

19 A. Yes.

20 Q. Okay. And so you were the final  
21 decision-maker in this investigation, correct?

22 A. Yes.

23 Q. And when it says, Forwarded 3/2 of '15,  
24 was that when you closed the investigate -- or  
25 made the recommendation or closed it out, or is

1 that when it was forwarded it to you?

2 A. That's when I -- that's when I  
3 completed my review and forwarded it out.

4 Q. Okay. And can you tell me what you did  
5 in the review of this case?

6 A. I read -- reviewed the investigation.  
7 I reviewed the comments from the chain of  
8 command.

9 Q. Okay. Would you have watched the  
10 cruiser cam that was with it?

11 A. I don't remember.

12 Q. Okay. Do you usually watch cruiser cam  
13 if it's included in the packet?

14 A. It depends.

15 Q. On what?

16 A. On whether or not I believe it's  
17 necessary to review it or not.

18 Q. Okay. And what would be a situation  
19 where you wouldn't feel it was necessary to  
20 review if there was a video of the incident?

21 MS. LLOYD: Objection as to form.

22 A. Perhaps if it was sufficiently  
23 summarized.

24 BY MS. BRATTON:

25 Q. Okay. Would you look to see if there

1 was a difference in the citizen who was  
2 complaining's version of the story and the  
3 officer's version of the story?

4 A. Sometimes.

5 Q. Okay. And if there was a conflict,  
6 what would make you not look at the video?

7 MS. LLOYD: Objection as to form.

8 A. There may be additional evidence that  
9 is sufficient to render -- to make that  
10 not necessary.

11 BY MS. BRATTON:

12 Q. Okay. And would you listen to  
13 dispatch?

14 A. Sometimes.

15 Q. Okay. Do you remember if you listened  
16 to dispatch in this case?

17 A. I do not remember.

18 Q. Okay. Did you ask any follow-up  
19 questions in this case?

20 A. Not that I recall.

21 Q. Okay. Did you interview or talk to any  
22 of the officers, yourself, in this case?

23 A. Not that I recall.

24 Q. Okay. And can you tell me how you came  
25 to the conclusion that the officers' actions were

1 within policy?

2 A. I don't remember this case, so I don't  
3 recall how I came to that conclusion.

4 Q. Okay. If you go to the first page of  
5 the -- go back one page -- I'm sorry -- first  
6 page of Exhibit 2, where it says, other materials  
7 noticed; these would be all of the items that  
8 would be forwarded to you; is that correct?

9 A. That's correct.

10 Q. Okay. Do you review the citizen's  
11 complaint when you review the -- when you review  
12 the -- I guess, do you call it a packet?

13 A. Yeah, that's fine.

14 Q. Okay. When you review the packet, do  
15 you review the citizen's complaint?

16 A. Yes.

17 Q. Okay. And do you match the complaint  
18 against what the officer's version of the story  
19 is?

20 A. I don't understand the question.

21 Q. Do you look at what the complainant  
22 says happened and what the officer says  
23 happened?

24 A. Yes.

25 Q. Okay. And if there is a discrepancy

1 between the two, how do you resolve that?

2 A. I look at additional information,  
3 additional evidence.

4 Q. Okay. And did you notice any  
5 inconsistencies in the evidence in this case?

6 A. I do not remember this case.

7 Q. Okay. I am going to play for you what  
8 has been marked as Exhibit 18.

9 (Off the record.)

10 BY MS. BRATTON:

11 Q. Here we go. I'm sorry. We have two  
12 disks of interviews.

13 Okay. I'm going to play for you what's  
14 been marked previously as Exhibit 21, which is  
15 the initial complaint of Mr. Dale Phillips.

16 (Audio was played.)

17 BY MS. BRATTON:

18 Q. I'm going to fast-forward a little bit.  
19 There's a --

20 MS. LLOYD: We won't -- okay.

21 BY MS. BRATTON:

22 Q. There's a lapse. He's on hold for  
23 about five minutes; unless you want to listen to  
24 five minutes of dead air.

25 MS. LLOYD: Uh-uh.

1 (Audio was played.)

2 BY MS. BRATTON:

3 Q. I'll stop it at 16 minutes and  
4 25 seconds.

5 So you would have listened to -- if  
6 that was the only complaint that --

7 MS. LLOYD: Could we -- because I  
8 think -- does it go on beyond that, or is  
9 that the end of it, when you stopped it?

10 MS. BRATTON: No, it goes on. If you  
11 want --

12 MS. LLOYD: Okay. I don't know if it's  
13 more --

14 MS. BRATTON: It goes on. It's  
15 background information about his address and  
16 when somebody will contact him back. If you  
17 want to hear the rest of it --

18 MS. LLOYD: I don't -- I didn't know  
19 what it was.

20 BY MS. BRATTON:

21 Q. If that was the only communication that  
22 the department had with Mr. Phillips, would you  
23 have listened to that in the course of your  
24 investigation?

25 A. Not necessarily.



1 Q. Okay. When would be a time when you  
2 would not listen to the complainant's report?

3 A. It's fairly frequently that I do not.

4 Q. Okay. What do you, then, base the  
5 complaint off of?

6 A. I don't make that decision. I don't  
7 base the complaints. Internal affairs reduces  
8 the complaint to writing. I don't do that.

9 Q. Okay. You review whether or not  
10 internal affairs -- you review internal affairs'  
11 investigations, correct?

12 A. Yes.

13 Q. Okay. And so if it is not a thorough  
14 investigation, then you can ask for additional  
15 information?

16 A. Yes.

17 Q. You can go out and interview or talk to  
18 people yourself, correct?

19 A. No, I cannot.

20 Q. Okay. So if you are missing  
21 information, what would you do so that you could  
22 obtain that information to make that decision  
23 about whether or not you agree with the  
24 recommendation from internal?

25 A. I can request additional investigation

1 if I believe it's necessary.

2 Q. Okay. And if part of internal's  
3 decision in the investigation is based off of the  
4 complainant's report, would you review the  
5 complainant's report, in whatever form, audio,  
6 written?

7 MS. LLOYD: Objection as to form.

8 A. I'm -- you said, if internal's. Is  
9 that internal affairs?

10 BY MS. BRATTON:

11 Q. Yes.

12 A. I do not listen to every complainant's  
13 audio recording.

14 Q. Even if the audio recording is  
15 researched in the complaint -- I'm sorry -- in  
16 the internal affairs report?

17 A. Again, I do not listen to every  
18 complainant's intake call, no.

19 Q. Okay. And what would be a situation  
20 where you would not listen to an intake call?

21 A. If I don't believe it's necessary.

22 Q. And why wouldn't an intake call be  
23 necessary to listen to?

24 MS. LLOYD: Objection as to form.

25 A. Because we pay people to summarize

1 things for me. I don't have the time to review,  
2 listen to everything. And so that is what the  
3 internal affairs investigator's responsibility  
4 is, to summarize it.

5 BY MS. BRATTON:

6 Q. Okay. And so from that audio, from  
7 Mr. Phillips' audio, Mr. Phillips stated that he  
8 was stopped for no reason.

9 Did you hear that?

10 A. I believe so. I don't remember that  
11 that was his exact words.

12 Q. Okay.

13 A. I don't recall.

14 MS. LLOYD: If we could just object at  
15 this point. The video -- or the audio  
16 speaks for itself. So whatever is on there  
17 is on there.

18 And we have listened to several things.  
19 We listened to -- his statement went on for  
20 several minutes.

21 MS. BRATTON: I'm going to play the  
22 tape. I'll start it at 2 minutes and  
23 10 seconds.

24 (Audio was played.)

25 BY MS. BRATTON:

1 Q. Did you hear, on the call, Mr. Phillips  
2 said that, they stopped me for no reason?

3 A. Yes.

4 Q. Okay. And then Mr. Phillips also  
5 described use of force against him?

6 A. Yes.

7 Q. Okay. If you turn to Exhibit 2,  
8 page -- starting at GB769, it looks like the only  
9 allegation against Officer Blair was use of  
10 force; is that correct?

11 A. That's correct.

12 Q. And the only allegation against  
13 Officer Cazan was use of force?

14 A. That's correct.

15 Q. And on the next page, GB770, the only  
16 allegation against Officer McClain was use of  
17 force?

18 A. Yes.

19 Q. And Officer Groves, the only allegation  
20 was use of force?

21 A. Yes.

22 Q. And so then Mr. Phillips' claim of  
23 being stopped for no reason was not  
24 investigated --

25 A. I do not know.

1 Q. -- as part of this packet that you  
2 investigated?

3 A. I did not investigate it, no.

4 Q. Okay. Should it have been made a part  
5 of this investigation?

6 MS. LLOYD: Again, we've had testimony  
7 on this numerous times. This officer has  
8 already testified he doesn't recall the  
9 details here. But we've had testimony from  
10 IAB already in the record explaining  
11 Mr. Phillips was charged, and his -- the  
12 charge of obstructing -- of obstruction of  
13 official business is proceeding through the  
14 court system.

15 BY MS. BRATTON:

16 Q. I'm not asking about Mr. Phillips'  
17 obstruction of official business charge.

18 I am asking about Mr. Phillips'  
19 accusation in -- or his complaint, his internal  
20 affairs complaint, that said that he was stopped  
21 for no reason, and then he detailed the use of  
22 force.

23 So Mr. Phillips made two complaints  
24 here. We've already established that only one of  
25 those, the use of force, was investigated.

1                   My question is, should internal affairs  
2   have investigated Mr. Phillips' claim of being  
3   stopped for no reason?

4                   MS. LLOYD: And the testimony has been  
5   that the deputy chief has no recollection of  
6   this. He says he doesn't know what they  
7   investigated.

8                   MS. BRATTON: For the record, if  
9   Counsel could stop directing testimony of  
10   the witness.

11                  MS. LLOYD: I'm not directing. I'm  
12   telling you what he has just testified to.

13   BY MS. BRATTON:

14                  Q. I'm asking you, should internal affairs  
15   have included all of the claims that -- or all of  
16   Mr. Phillips' complaints, which were two?

17                  A. Not necessarily.

18                  Q. Okay. And why shouldn't internal  
19   affairs investigate a complaint?

20                  A. Their SOP would have referenced the  
21   reasons why they would not investigate  
22   complaints. There are a multitude of reasons why  
23   they would not.

24                  Q. Who's SOP? I'm sorry.

25                  A. Internal affairs.

1 Q. Okay. And you said their -- did you  
2 say their SOP?

3 A. Uh-huh.

4 Q. What is an SOP? I'm sorry.

5 A. Standard operating procedures.

6 Q. Okay. And you signed -- you're the  
7 final person to sign off on an investigation,  
8 correct --

9 A. Not necessarily.

10 Q. -- or this investigation?

11 A. Yes.

12 Q. Okay. And when you signed off on it,  
13 did you sign off on what you thought was a  
14 complete and thorough investigation?

15 A. I do not recall this investigation, so  
16 I do not recall my thinking -- my feelings about  
17 it.

18 Q. Okay. I am going to play what's been  
19 marked as deposition (sic) Exhibit 3. It is  
20 the -- the radio dispatch of the call for the  
21 incident involving Mr. Phillips. I will first  
22 play 22 hours, 44 minutes, and 22 seconds.

23 (Audio was played.)

24 BY MS. BRATTON:

25 Q. And I'm going to play Exhibit 3 at

1 22 minutes -- I'm sorry -- 22 hours, 44 minutes,  
2 and 32 seconds.

3 (Audio was played.)

4 BY MS. BRATTON:

5 Q. What is the use of dispatch in law  
6 enforcement?

7 MS. LLOYD: Objection as to form.

8 A. I'm sorry?

9 BY MS. BRATTON:

10 Q. What do you all use dispatch for?

11 A. Could you describe what you mean by  
12 dispatch?

13 Q. Yeah. So the call that we just heard  
14 from the dispatcher to a police officer -- or to  
15 police officers, what do police officers use  
16 dispatch for?

17 MS. LLOYD: Objection as to form.

18 A. They use it for many things.

19 BY MS. BRATTON:

20 Q. They -- do they use it to get the  
21 description of a suspect?

22 A. Yes.

23 Q. Location?

24 A. Yes.

25 Q. Possible means of transportation that a



1 suspect is in?

2 A. Yes.

3 Q. Okay. And -- and in this case, do you  
4 remember what Mr. Phillips and his passenger's  
5 race --

6 A. I do not.

7 Q. -- were?

8 Okay. Mr. Phillips is an  
9 African-American male, and Mr. Phillips'  
10 passenger was a white woman.

11 Based on the dispatch that you just  
12 heard, do they match the description that  
13 dispatch called in?

14 A. I do not recall.

15 Do you want to play it again for me?

16 Q. Okay.

17 A. I wasn't aware this would be a --

18 (Audio was played.)

19 BY MS. BRATTON:

20 Q. Based on the radio dispatch --  
21 Mr. Phillips and his passenger -- Mr. Phillips is  
22 African American, his passenger was a white  
23 woman.

24 Do they match the description of the  
25 suspects that dispatch put out?

1 MS. LLOYD: Objection as to form on  
2 that question.

3 A. I can't answer that.

4 The -- I assume that's Mr. Phillips to  
5 your left?

6 BY MS. BRATTON:

7 Q. Yes.

8 A. Mr. Phillips -- and I -- I would say --  
9 I would not identify him as a black male. His  
10 skin color is no darker than mine. And so that  
11 description, at night, I think is very difficult  
12 to determine at night, whether, to your point, he  
13 matched it or not.

14 Q. Okay. What about a dark-skinned black  
15 woman and a white woman?

16 A. What's the question?

17 Q. If the caller said a female black with  
18 an orange head wrap and shorts, and the  
19 individual who was detained is a white woman with  
20 black pants and nothing on her head, does --  
21 would she match the description?

22 A. I do not know.

23 Q. Okay.

24 A. Suspects can change clothing, and I  
25 don't know what this person you're referencing

1 looks like. I don't know.

2 Q. Okay. If one person is white and one  
3 person is black, is that the same description?

4 A. Yes, it can be.

5 Q. Okay. So if a -- if dispatch calls in,  
6 two white women are running from a bar, your  
7 officers can stop every black woman they see?

8 MS. LLOYD: Objection as to form.

9 A. Could you repeat the question?

10 BY MS. BRATTON:

11 Q. Yes.

12 If dispatch calls in, on street A two  
13 white women just robbed a bar, and black women  
14 are walking up and down the street, because  
15 dispatch -- I guess, black and white women can be  
16 the same, your officers, if they're on the  
17 street, can stop any black woman on the street,  
18 even though the description was for two white  
19 women?

20 MS. LLOYD: Objection as to the form of  
21 that question and the extreme hypothetical.

22 A. The hypothetical doesn't contain enough  
23 information to answer that.

24 BY MS. BRATTON:

25 Q. Well, you just said that a white person

1 and a black person can be the same. So what  
2 would be the situation where, if dispatch called  
3 out for a white woman, that your officers could  
4 stop a black woman?

5 MS. LLOYD: Again, objection as to form  
6 and isolating one factor into a hypothetical  
7 that doesn't make sense.

8 A. I wouldn't be able to answer that  
9 question.

10 MS. BRATTON: Okay. Again, for the  
11 record, Counsel is directing the witness.

12 BY MS. BRATTON:

13 Q. So --

14 MS. LLOYD: For the record, I'm trying  
15 to suggest that you ask questions in a more  
16 direct format that makes sense.

17 MS. BRATTON: I don't know how much  
18 more direct you can get when you're asking  
19 somebody, if dispatch calls out that a white  
20 person is running down a street, and black  
21 women -- a white woman is running down the  
22 street and black women are running down the  
23 same street, that they can stop every single  
24 black woman.

25 BY MS. BRATTON:

1           Q.    So the question, I guess, would be, is  
2   dispatch irrelevant when police are looking for a  
3   suspect?

4           MS. LLOYD:  Again, objection as to the  
5   form of that question, which combines  
6   several different questions.

7           A.   Dispatch is not irrelevant.

8   BY MS. BRATTON:

9           Q.    Okay.  So when can officers disregard  
10  completely a description in -- from dispatch --

11           MS. LLOYD:  Objection.

12  BY MS. BRATTON:

13           Q.    -- and stop anybody?

14           MS. LLOYD:  Objection as to the form of  
15   that question.

16           A.   Description of race is not a  
17  particularly discernable characteristic at night,  
18  in the dark.

19           In this room right here, I don't  
20  believe it's particularly descriptive.

21  BY MS. BRATTON:

22           Q.    Okay.  What about if, altogether, race,  
23  location, and clothing don't match?

24           A.   It's a hypothetical.  And it would be  
25  not enough facts in that --

1 Q. Okay.

2 A. -- to determine.

3 Q. Okay. I'll give you the facts of this  
4 case.

5 The -- dispatch -- and I can play it  
6 again -- specifically said that they were loading  
7 items in through the back door, and then again,  
8 when there was clarification, through the rear of  
9 the building. Mr. Phillips was on the side of  
10 the building.

11 Officer Blair, who was one of the  
12 responding officers, responded within seconds,  
13 she said.

14 The street that Mr. Phillips was on is  
15 a one-way street.

16 The alley that the back door is on --  
17 actually, let me --

18 MS. LLOYD: The back door is not on an  
19 alley.

20 BY MS. BRATTON:

21 Q. If you could, turn to Exhibit 22.

22 A. (Witness complies.)

23 Q. Okay. Mr. Phillips was on the street  
24 by where you see that red door. So he's on the  
25 street going down the correct path that the

1 street goes on, the direct one-way that the  
2 street goes on.

3 MS. LLOYD: Again, I have to -- to the  
4 extent that you are representing these are  
5 the facts of record, I can interject and say  
6 those aren't the facts of record, but I'm  
7 obviously not going to interject on the  
8 facts into your question.

9 MS. BRATTON: Well, for the record, no  
10 one has testified that Mr. Phillips was  
11 parked or driving the wrong way on the  
12 one-way street.

13 MS. LLOYD: But there has been  
14 testimony as to whether he was stopped or  
15 driving.

16 MS. BRATTON: And I, in my example, did  
17 not give whether he was stopped or  
18 driving --

19 MS. LLOYD: You said the word moving.

20 MS. BRATTON: -- said was on the  
21 street.

22 No, I didn't. I said on the street.

23 BY MS. BRATTON:

24 Q. And this is the building that is -- was  
25 alleged to be burglarized.

1                   And there has been testimony that there  
2    is a door in the back of the building.

3                   MS. LLOYD: There was also testimony  
4    there is a door right where he was parked.

5                   MS. BRATTON: Correct, which is why I  
6    said, Mr. Phillips, on the street, by the  
7    store.

8    BY MS. BRATTON:

9                   Q. And so there are -- there is a side  
10   door to this building and there is a back door to  
11   that building.

12                  Dispatch says, back door. Mr. Phillips  
13   is on the street, side door.

14                  Would you agree that, out of  
15   everything, the back door and the side door are  
16   two different things?

17                  A. No, I would not.

18                  Q. Okay. So then a back door and a side  
19   door can be the same thing. A white suspect and  
20   a black suspect can be the same.

21                  And what about clothing, someone  
22   wearing an orange head wrap and shorts, and then  
23   when you pull the car over seconds later, someone  
24   having on black pants?

25                  MS. LLOYD: There is no testimony



1           that -- that the officer who pulled the  
2           truck over could see the passenger below the  
3           waist. That is testimony on record.

4           A.    And I don't believe you asked me a  
5           question.

6   BY MS. BRATTON:

7           Q.    Yes.  If -- is there a difference  
8           between a woman with an orange head wrap and  
9           shorts and a woman with black pants on?

10          A.    Perhaps.

11          Q.    Okay.  What -- what is the ambiguity?

12          A.    People change clothing.  People can  
13          change clothing.

14          Q.    In a matter --

15          A.    Clothing can be described inaccurately  
16          by people who call us.

17          Q.    Okay.

18          A.    And often that is the case.

19          Q.    So that -- that's my question about the  
20          role of dispatch.

21                Because here, the individuals who were  
22          stopped, the clothing doesn't match.  The  
23          individuals who were stopped, the race doesn't  
24          match.  The individuals who were stopped, the  
25          location of the vehicle doesn't match.

1                   So what, then -- everything that  
2   dispatch has communicated has been -- is  
3   irrelevant then?

4                   MS. LLOYD: Again, I'm going to object  
5           as to Counsel's attempt to characterize the  
6           testimony to date and also to characterize  
7           dispatch.

8   BY MS. BRATTON:

9           Q.   My question is, what is the role of  
10   dispatch if everything that dispatch called  
11   matches -- does not match the person who is  
12   stopped?

13                  MS. LLOYD: And, again, objection as to  
14           calling a -- calling for a hypothetical.

15           A.   I object to the premise that -- you  
16   have not demonstrated to me that they don't  
17   match.

18   BY MS. BRATTON:

19           Q.   Okay. So before we get into that, can  
20   we agree that dispatch said, two male whites  
21   with -- one with a gray coat?

22           A.   Yes.

23           Q.   Can we agree that dispatch said, one  
24   female, black, with an orange wrap around her  
25   head, wearing shorts?

1 A. Yes.

2 Q. Can we agree that dispatch said, the  
3 suspects are carrying items out of the back  
4 door?

5 A. Yes.

6 Q. And then when she clarified it, she  
7 said the rear of the building?

8 A. Yes.

9 Q. And that the suspect -- or I'm sorry --  
10 that the caller can't see the vehicle?

11 A. I don't recall.

12 Q. Okay.

13 (Audio was played.)

14 BY MS. BRATTON:

15 Q. Can we agree that dispatch said, the  
16 caller can't see the items that they're loading  
17 the vehicle in -- or can't see the vehicle that  
18 they're loading the items into?

19 A. Yes.

20 Q. Okay. And then at 22 hours,  
21 45 minutes, and 32 seconds, I'm going to replay.

22 (Audio was played.)

23 BY MS. BRATTON:

24 Q. And from 0 to 2 seconds, dispatch just  
25 said, caller says they're all back inside?

1 A. Yes.

2 Q. Okay. I am playing Exhibit 3 at  
3 22 hours, 48 minutes, and 25 seconds.

4 (Audio was played.)

5 BY MS. BRATTON:

6 Q. And would you agree that 9 -- well,  
7 Officer 9191 is Officer Jean Byrne, and that  
8 Officer 9191 said that it was a female, white?

9 A. That's two questions. I'm sorry.

10 Q. I'm sorry.

11 A. You asked me if 9191 was Jean Byrne,  
12 and then --

13 Q. No. I'm sorry. I'm telling you  
14 9191 is Jean Byrne --

15 A. Okay.

16 Q. -- in case I, instead of calling her by  
17 her badge number, I call her Officer Byrne down  
18 the line.

19 Office Byrne said that it was a female,  
20 white?

21 A. Yes.

22 Q. Okay. And I'm going to play the  
23 cruiser camera, which has previously been marked  
24 as Exhibit 16.

25 (Video was played.)

1 BY MS. BRATTON:

2 Q. And were you able to see the white  
3 woman who Officer Byrne described as running off,  
4 in the dispatch, on the video?

5 A. I see her a little bit, but I wouldn't  
6 hazard a guess to her race.

7 Q. Okay. Officer Byrne said she was  
8 white; is that correct?

9 A. That's what Officer Byrne said.

10 Q. Okay. And did you recognize her to  
11 have on black pants in this video?

12 A. Yes.

13 Q. Okay. Okay. Would you agree that,  
14 from what you saw on tape, the black pants and  
15 what Officer Byrne said was a white woman, so a  
16 white woman with black pants, does not match the  
17 description of a female, black, with an orange  
18 wrap around her head and shorts?

19 A. No, I would not.

20 Q. You -- you would say that they're  
21 different; is that correct?

22 A. I'm saying that they could be the  
23 same.

24 Q. Okay. And in this investigation, did  
25 you -- or I'm sorry -- in this review, did you --

1 did they investigate that?

2 A. I do not recall.

3 Q. Did you ask follow-up questions about  
4 it?

5 A. I don't believe so.

6 Q. Okay. And what about a male, white,  
7 with a gray coat? Did you ask follow-up  
8 questions about whether there was a gray coat  
9 found in Mr. Phillips' car?

10 A. I don't believe I did.

11 Q. Okay. Did you ask questions about the  
12 number of suspects, being Mr. Phillips and a  
13 woman, as opposed to the three that the caller  
14 reported?

15 A. Not that I recall.

16 Q. Did you ask any follow-up questions  
17 about the location of Mr. Phillips' vehicle as  
18 opposed to the location that dispatch gave?

19 A. Not that I recall.

20 Q. Could you have?

21 A. Could I have, meaning, am I possibly  
22 incorrect, or could I as in, am I allowed to do  
23 that?

24 Q. No; possibly incorrect.

25 So are you saying that you don't

1 remember or --

2 A. I don't remember asking that. There's  
3 no indication in my notes that I did.

4 Q. Okay. So then would it be -- in your  
5 determination, there were -- or there was no  
6 investigation in the chain of command that you --  
7 the investigation that you reviewed in this  
8 particular chain of command, which is Exhibit 2,  
9 GB766 --

10 A. I'm sorry. What's the question?

11 Q. -- that no one -- oh, I'm sorry -- just  
12 in this chain of command, that Mr. Phillips'  
13 complaint of being stopped for no reason was not  
14 investigated?

15 MS. LLOYD: Again, I'm going to object  
16 to the form of that question.

17 This was a lengthy investigation.

18 What is your question to him?

19 BY MS. BRATTON:

20 Q. Did you not hear my question?

21 A. I -- I don't understand it.

22 Q. Okay. Did anyone in this chain of  
23 command, going to you, signing off on it,  
24 investigate and make a decision about whether or  
25 not Mr. Phillips was stopped for no reason?

1           A.    I don't remember what's all included in  
2    this investigation.

3           Q.    Okay.  We can take a minute, if you  
4    want to look at it.

5                    This was given to me as the  
6    investigation with those videos.  And I can play  
7    all of them, if you want, so we can get the  
8    entire investigation.

9           A.    It is 70 pages long.

10          Q.    This is all that I have.

11          A.    So you want me to read it and then  
12   answer you?

13          Q.    Yes.  I mean, if you don't remember, I  
14   do.

15          A.    I don't remember.

16          Q.    Okay.  Yes, if you could, review it.

17                   MS. LLOYD:  What is question that he's  
18   reviewing?

19                   MS. BRATTON:  Well, he doesn't remember  
20   anything about the investigation, and I'm  
21   asking about the investigation --

22                   MS. LLOYD:  What specifically are you  
23   asking?

24   BY MS. BRATTON:

25          Q.    Would this refresh your memory, if you



1 looked at the investigation?

2 A. You asked one question, whether -- I'm  
3 sorry. Would you repeat the question?

4 Q. Yes.

5 Would reviewing your inves -- this  
6 investigative packet refresh your memory about  
7 how you came to the conclusion that Mr. -- that  
8 the stop and use of force against Mr. Phillips  
9 was within policy?

10 A. That is not the question you just asked  
11 me.

12 Q. No, I'm asking you that now. I'm  
13 sorry.

14 A. No, it would not help me do that.

15 Q. Okay. So what would help you determine  
16 what you based your decision off of?

17 A. Nothing. That was three years ago. I  
18 don't remember how I made a decision three years  
19 ago.

20 Since then, I'm sitting in front of you  
21 and watching different videos. I see the  
22 individual that brought the complaint in front of  
23 me. The facts have changed.

24 So I don't remember how I came to that  
25 conclusion three years ago.

1 Q. So the video would be the same as three  
2 years ago, correct?

3 A. Correct.

4 Q. Okay. Dispatch would be the same as  
5 three years ago?

6 A. Correct.

7 Q. Okay. Every single piece of paper in  
8 here would be the same as three years ago?

9 A. Correct.

10 Q. Okay. So --

11 A. However, my review would be different  
12 today than it was three years ago.

13 Q. Okay. I'm just asking you how you came  
14 to this conclusion.

15 A. And I don't recall.

16 Q. Okay. So if we had a trial in this  
17 matter, and you were asked to support your  
18 investigation, your answer would be, you don't  
19 remember?

20 A. That's a different question.

21 Q. Okay. Well, could you support your  
22 review?

23 A. From three years ago?

24 Q. Yes.

25 MS. LLOYD: He's just said he doesn't

1 recall.

2 A. No, I don't recall how I did it three  
3 years ago.

4 BY MS. BRATTON:

5 Q. Okay. So that -- that is my -- that is  
6 my question. I want to make sure for the  
7 record -- because this may go to trial. And so  
8 if we're in trial, I don't want to be surprised  
9 if your attorneys or the attorneys for the City  
10 ask you, so tell me about your investigation,  
11 then all of a sudden, you know everything about  
12 it.

13 So my question to you is -- is that,  
14 you don't, at this point, remember any --  
15 anything about how you came to the conclusion  
16 that the officers were within policy?

17 A. That is correct, I do not remember how  
18 I came to a conclusion three years ago.

19 Q. Okay. And so going through just the  
20 facts of the case, that -- okay.

21 Sitting here today, is it fair to say  
22 that you don't remember whether or not you  
23 listened to any of the tapes or recordings in  
24 this case?

25 A. I do not remember.

1 Q. Okay. Sitting here today, do you  
2 remember whether you read all of the officers'  
3 statements?

4 A. I do not remember.

5 Q. Okay. Sitting here today, do you  
6 remember whether or not you compared any officer  
7 statements to any of the complaint?

8 A. I do not remember.

9 Q. Okay. Sitting here today, do you  
10 remember whether -- if there were any  
11 inconsistencies in the officers' account of the  
12 incident that you followed up on, on those  
13 inconsistencies?

14 A. I think it's -- I -- it feels like  
15 there's multiple questions in there.

16 I did not follow up on any  
17 inconsistencies that I'm aware of.

18 Q. Okay. Do you remember whether you  
19 found inconsistencies to follow up on?

20 A. I do not remember.

21 Q. Okay. Do you remember if you read any  
22 of the packet, any of the documents in the  
23 packet?

24 A. Yes.

25 Q. And which documents?

1 A. I don't remember.

2 Q. Okay. So you don't remember if you  
3 read all of them or some of them?

4 A. I don't remember.

5 Q. Okay. I am going to play what has been  
6 marked as Exhibit 21. And I'm going to play  
7 Officer Byrne's interview.

8 And that's B-y-r-n-e.

9 (Audio was played.)

10 BY MS. BRATTON:

11 Q. I'm going to stop at 2 minutes and  
12 52 seconds.

13 Did -- and I can repeat it.

14 But did you hear Officer Byrne inform  
15 the IAB investigator that they got a call that  
16 the truck was involved in a 10-8?

17 A. I don't recall if that was the exact  
18 same language, but that was the gist of it.

19 Q. Okay. And after hearing the dispatch,  
20 Mr. Phillips' truck was not described in  
21 dispatch; is that correct?

22 A. That's correct.

23 Q. Okay. So then that's -- well -- and,  
24 in fact, dispatch said that they can't see the  
25 vehicle; is that correct?

1           A.    I believe so.

2           Q.    And did you follow up on that  
3 inconsistency in Officer Byrne's statement?

4                   MS. LLOYD:  I'm going to object to the  
5 extent that you've characterized that as an  
6 inconsistency.

7 BY MS. BRATTON:

8           Q.    Do you -- based on your job of  
9 reviewing facts in an investigation, if a  
10 dispatch says that they can't see a vehicle, and  
11 an officer says that the vehicle they stopped is  
12 the vehicle described, is that an inconsistency?

13          A.    Not necessarily.

14          Q.    Why wouldn't it be an inconsistency?

15          A.    Can you repeat the question again?

16          Q.    Yes.

17                   So if dispatch says, can't see the  
18 vehicle, and your officer reports that dispatch  
19 gave you a specific vehicle, gave you a truck, is  
20 that an inconsistency in what dispatch reported  
21 and what the officer reported?

22          A.    It's a word-for-word inconsistency,  
23 yes.

24          Q.    Okay.  And did you follow up on that  
25 inconsistency?

1 MS. LLOYD: Again, objection as to form  
2 as to whether or not that's inconsistent  
3 with the facts in this case.

4 A. I believe I've said it before, I don't  
5 recall following up with anything on the case.

6 BY MS. BRATTON:

7 Q. Okay. And I am going to play, on  
8 Exhibit 21 -- what has previously been marked  
9 Exhibit 21, Officer Blair's interview.

10 MS. LLOYD: Is that the same --

11 MS. BRATTON: No. We played Officer  
12 Byrne's -- Exhibit 21 is the complete disk  
13 of internal affairs recordings.

14 (Audio was played.)

15 BY MS. BRATTON:

16 Q. I'm going to stop at 12 minutes and  
17 11 seconds.

18 Was there any follow-up as to the  
19 officers being unable to see or Officer Blair not  
20 being able to see what was going on and almost  
21 handcuffing Officer Groves?

22 A. What -- I don't know.

23 Q. Okay.

24 A. There's a whole bunch of additional  
25 interviews, I suspect, after this. I don't know

1 if that was followed up on after that. I don't  
2 know. I haven't heard that entire interview.

3 Q. Okay. I can play the rest of it. I --  
4 but what I'm asking is, in your investigation --  
5 in your review of the investigation, do you  
6 remember any follow-up regarding  
7 Officer Groves -- Officer Blair almost  
8 handcuffing Officer Groves?

9 A. I don't remember any.

10 Q. And is that something that you would  
11 want to know when you're conducting an  
12 investigation?

13 MS. LLOYD: Again, objection as to  
14 form.

15 A. Not necessarily.

16 BY MS. BRATTON:

17 Q. Okay. So would you want to know, in an  
18 investigation where the accusation is that a  
19 suspect is -- is resisting and not allowing their  
20 arms to be controlled by officers, whether or not  
21 it was actually their arms flailing or one of the  
22 officers' arms flailing?

23 MS. LLOYD: Again, objection as to form  
24 and the hypothetical nature of that  
25 question.



1           A.    I don't know how to answer that without  
2   more details or some clarification.

3   BY MS. BRATTON:

4           Q.    Yes.

5                    So Officer Blair, in her IAB interview,  
6   said that there was a melee of officers.

7                    Did you hear that?

8           A.    Uh-huh.   Yes.

9           Q.    That they all had on white shirts and  
10   Mr. Phillips had on a white shirt.

11          A.    I don't recall that, but --

12                    (Audio was played.)

13   BY MS. BRATTON:

14          Q.    Okay.   Did you hear that Mr. Phillips  
15   had on a white shirt?

16          A.    Yes.

17          Q.    Okay.   And that Officer Blair almost  
18   handcuffed Officer Groves?

19          A.    Yes.

20          Q.    Okay.   And did you hear Officer Blair  
21   say that Officer Groves had Mr. Phillips' left  
22   arm and she had his right arm?

23          A.    Yes.

24          Q.    Okay.   And if you would, go to --

25                    MS. BRATTON:   Did we bring Exhibit 28?

1 THE REPORTER: (Indicating.)

2 BY MS. BRATTON:

3 Q. This has previously been marked as  
4 Exhibit 28. It is the transcript of Mr. -- or of  
5 Officer Groves' internal affairs interview.

6 A. Okay.

7 Q. And it's page 10, starting at line 6,  
8 Officer Groves says that Chad -- who is Officer  
9 Cazan -- had Mr. Phillips's left arm and that he  
10 had Mr. Phillips' right arm.

11 Is that accurate?

12 A. Yes.

13 Q. Okay. And so in a review, based on  
14 what Officer Blair has said as far as the melee  
15 and confusing Officer Groves' arm -- almost  
16 handcuffing Officer Groves' arm, would you have  
17 wanted to know how the officers determined that  
18 it was actually Mr. Phillips who they were  
19 struggling with?

20 MS. LLOYD: Objection as to form.

21 A. Are you -- is the assumption that I  
22 knew that information at the time, or is this  
23 hypothetical?

24 BY MS. BRATTON:

25 Q. No. I'm saying if, in your review

1 of -- well, maybe you -- okay.

2 A. I don't know how --

3 Q. Maybe you didn't know if you -- okay.

4 So you don't know if you reviewed what Officer

5 Blair said happened?

6 A. Correct.

7 Q. Okay.

8 A. I know I didn't have a transcript from

9 Elite transcribing.

10 Q. Okay. But the IAB interviews, you

11 would have had access to, correct?

12 A. Correct.

13 Q. Okay. And those would have been

14 conducted prior to your final signing-off on

15 it?

16 A. Correct.

17 Q. Okay. And reviewing an investigation,

18 would you have expected the investigators to have

19 investigated or figured out how they came to the

20 determination that it was actually Mr. Phillips

21 who was the person resisting on the ground?

22 A. Not necessarily.

23 Q. Okay.

24 A. Not to the specific -- specificity of

25 your question.

1 Q. Would you have wanted them to  
2 investigate whether or not Mr. Phillips was  
3 resisting at all on the ground?

4 A. The investigation, I believe, was --  
5 allegation was that they used force.

6 Q. Yes.

7 A. And that's what I would expect the  
8 investigator would investigate.

9 Q. Okay. So can they use force on someone  
10 who is complying and not resisting?

11 A. That's a specific question. I can't  
12 answer based on how you would review a force  
13 application.

14 Q. When you -- can an officer Mace a  
15 citizen who is complying with their orders and  
16 not resisting them?

17 A. Yes.

18 Q. And what would be a situation where you  
19 could Mace a compliant person who is not  
20 resisting an officer?

21 A. There are -- for example, you could  
22 have someone who is blocking access to an  
23 emergency, who are doing things that are not  
24 specifically resistive, but are causing harm or  
25 injury to others because of their actions.

1 Q. Okay. And if someone would be blocking  
2 a -- in an emergency, would you expect the  
3 officer to say, get out of the way?

4 A. Not necessarily.

5 Q. Okay. So then, just to be clear, your  
6 officers don't have to give any warning, they can  
7 just Mace someone or give a command?

8 MS. LLOYD: Objection as to form.

9 A. That's not what I said.

10 BY MS. BRATTON:

11 Q. Okay. So the question -- one of the  
12 examples you gave was someone in an emergency,  
13 blocking traffic, you can use Mace on them.

14 So my question is, does an officer have  
15 to say, get out of the way, or can an officer  
16 just walk up and Mace them in the face?

17 MS. LLOYD: Objection as to form of the  
18 question and as to the hypothetical that's  
19 not related to this case.

20 A. It doesn't assume all the  
21 possibilities. I can't answer that question.

22 BY MS. BRATTON:

23 Q. Okay. I'm trying to figure out when  
24 you would approve an investigation or exonerate  
25 an officer who Maced a person, a citizen, who was

1 fully compliant and who was not resisting.

2 MS. LLOYD: Objection. Calls for a  
3 hypothetical.

4 A. You changed your presupposition.  
5 That's -- you -- you're changing it every time.

6 BY MS. BRATTON:

7 Q. Yes. Well, that's the question I'm  
8 asking now.

9 A. I don't have enough details to make a  
10 decision.

11 Q. Okay. So I just want to be clear for  
12 the record that Columbus police are permitted to  
13 Mace a fully compliant citizen who is not  
14 resisting.

15 MS. LLOYD: Objection as to form of  
16 that, or as to your statement as to the  
17 Columbus police.

18 A. That is not what I said, for the  
19 record.

20 BY MS. BRATTON:

21 Q. Okay. Are Columbus police able to Mace  
22 a fully compliant, nonresisting citizen?

23 A. Your definitions of compliant, your  
24 definitions of resisting, et cetera, make that  
25 question un -- unanswerable.

1           Q.    Okay.  The definition of not resisting  
2    is, they're not running away from an officer,  
3    they're not kicking, they're not punching,  
4    they're not flailing.  They are asking, what do  
5    you want me to do.

6                   The definition of fully compliant is,  
7    the officer gives them a command and they follow  
8    the command.  They're doing what the officer is  
9    telling them to do when the officer gives  
10   commands, and they're asking the officer, what do  
11   you want me to do.

12                  And the officer is in no harm and no  
13   citizens are in harm.

14                  Are they permitted to Mace an  
15   individual?

16                  MS. LLOYD:  Again, I'm going to object  
17   to this hypothetical.

18                  And what is the basis for the use of  
19   Mace?

20                  A.  If it is reasonable, yes.

21   BY MS. BRATTON:

22                  Q.  Okay.  And in that situation, why would  
23   it be reasonable to Mace a fully compliant,  
24   nonfighting, nonflight suspect -- or ind --  
25   citizen?

1 MS. LLOYD: Objection as to it's a  
2 hypothetical.

3 A. It's a hypothetical. With additional  
4 facts, it would make it reasonable.

5 BY MS. BRATTON:

6 Q. Okay. You get packets and you review  
7 packets of information, correct?

8 A. Correct.

9 Q. And you base your decision off of the  
10 information that are in the packets, correct?

11 A. Correct.

12 Q. And so if you get a packet and  
13 everything in it is condensed down to three  
14 paragraphs, like in Mr. Phillips' investigation,  
15 recommendation of findings -- and it's condensed  
16 into three paragraphs, and those paragraphs say  
17 the person was complying and the person was not  
18 resisting and the officer Mased them, what  
19 additional information, then, would you need to  
20 either sustain the allegation or to exonerate the  
21 officer?

22 A. I've never seen such an  
23 investigation.

24 Q. Okay. So what I'm saying is, in  
25 that -- in that instance, based on Columbus



1 police use-of-force policy with Mace, in that  
2 situation, if an individual was complying and an  
3 individual was not resisting and those facts were  
4 before you in a recommendation of finding,  
5 then would --

6 MS. LLOYD: Of finding what?

7 BY MS. BRATTON:

8 Q. Investigator's recommendation of  
9 finding, so I'm assuming that you all find that  
10 it was -- an allegation was exonerated,  
11 sustained, or you couldn't make a determination.

12 Are those the three findings that you  
13 all have?

14 A. No.

15 Q. What are the findings that you all  
16 have?

17 A. I would likely reference the directive  
18 specifically, but there are more than that.

19 Q. Okay. Do you know what directive those  
20 are in?

21 A. It would be in the complaint  
22 directive.

23 Q. If you could, go to Exhibit 2, GB782.

24 A. (Witness complies.)

25 Q. And it looks like halfway down -- well,

1 actually, let me see. The below listed items are  
2 included in this investigation, and the  
3 investigator, Sergeant Johnson, says that a copy  
4 of the wagon's arbitrator video footage is  
5 available, or included; is that correct?

6 A. Yes.

7 Q. A copy of the CAD is included, correct?

8 A. Yes.

9 Q. A copy of Officer Blair's Premier One  
10 report and U-10-100 is included?

11 MS. LLOYD: Are you saying, is that  
12 what's on this page?

13 We'll stipulate that what's on the page  
14 is on the page.

15 BY MS. BRATTON:

16 Q. Would you agree that that's included?

17 A. Yes.

18 Q. Okay. Sergeant Rector's administrative  
19 packet is included?

20 A. That's what it states.

21 Q. And photographs are included,  
22 correct?

23 A. I don't know if photographs were  
24 included.

25 Q. Okay, does it say on here that

1 photographs, pages 34 through 36, are included in  
2 this investigation?

3 A. Yes, it says that.

4 Q. Okay. And then the investigator made a  
5 recommendation of findings on one allegation; is  
6 that correct?

7 A. Yes.

8 Q. Okay. And the officers involved that  
9 the investigator were -- was looking at, the use  
10 of force, was Blair, Cazan, McClain, and Groves,  
11 right?

12 A. Yes.

13 Q. Okay. And the first line, Mr. Phillips  
14 has stated that the force used on him was  
15 unnecessary, including being Maced.

16 When you are reviewing a use of force,  
17 what do you expect the investigator to have  
18 included in a report for you to make that  
19 determination?

20 A. A sufficient amount of facts to prove  
21 or disprove the allegation.

22 Q. And do you review all of those facts?

23 A. I review the packet I'm forwarded.

24 Q. Okay. But you've already said you  
25 won't review parts of the packet, you don't

1 always review all of it?

2 A. That's correct.

3 Q. Okay. So how do you, then, know that  
4 you are looking at all of the pertinent  
5 information to make a decision that force was  
6 necessary or unnecessary?

7 MS. LLOYD: Again, objection as to form  
8 of that question, as to the qualification  
9 necessary or unnecessary, which is not the  
10 accurate terminology.

11 BY MS. BRATTON:

12 Q. Okay. Did you change Mr. Johns -- or  
13 Sergeant Johnson's wording when he said  
14 Mr. Phillips stated that the force used on him  
15 was unnecessary, including being Maced?

16 MS. LLOYD: Mr. -- that's the  
17 complaint.

18 A. I'm sorry. Did I change what?

19 I didn't change anything, no.

20 BY MS. BRATTON:

21 Q. Did you -- the second sentence,  
22 Mr. Phillips admitted he was not following  
23 instructions when he was asked to step away  
24 from his vehicle -- we listened to Mr. --  
25 Mr. Phillips' complaint.

1                   Where in -- or do you remember  
2   Mr. Phillips saying that he did not follow the  
3   officer's instructions to step away from his  
4   vehicle?

5           A.    I don't remember.

6           Q.    Okay. Do you want me to -- I'll play  
7   it again. This is Exhibit 21, Dale Phillips'  
8   complaint.

9           A.    Can I state, I don't know what --  
10               (Audio was played.)

11          A.    -- you're referencing to. I don't know  
12   that this is referencing this audio call.

13   BY MS. BRATTON:

14          Q.    Okay. Mr. Phillips made one complaint,  
15   which is the audio. So if there was something  
16   else Mr. Phillips said, do you know -- or any  
17   other complaints that were based on the  
18   investigator's recommendations of finding should  
19   have been included in the packet?

20          A.    Not necessarily.

21          Q.    Okay. So what instance would the  
22   investigator put a finding and not have any  
23   documentation to support it?

24          A.    I'm sorry. What?

25          Q.    If the investigator makes a finding of

1 fact, should there be a document, a video, a  
2 recording to -- that the investigator based that  
3 fact on?

4 A. Not necessarily.

5 Q. Okay. So then where would the fact  
6 come from?

7 A. Perhaps a one-on-one conversation that  
8 was not recorded, perhaps a discussion with  
9 somebody else, who may have stated to somebody  
10 else.

11 Q. So IAB does not have to record all  
12 their conversations?

13 A. Not necessarily.

14 Q. Is that policy?

15 A. I don't oversee internal affairs.

16 Q. Okay.

17 A. I don't -- I'm unfamiliar with their  
18 SOP.

19 Q. Okay. So then are you not sure whether  
20 or not they have to record all of their  
21 interactions, or are you saying they don't have  
22 to?

23 A. I don't know.

24 Q. Okay.

25 A. But I do know that oftentimes things

1 break, and recordings that you think you made  
2 don't necessarily get made. So it's certainly  
3 possible that a discussion occurs and it's not  
4 recorded.

5 Also, you're referencing exclusively  
6 that Sergeant Johnson -- I don't know what  
7 Mr. Phillips said to the investigating supervisor  
8 that night.

9 Q. Okay. When the investigating  
10 supervisor takes a statement from an arrestee, is  
11 that supposed to be -- is the statement to be  
12 recorded anywhere?

13 A. No.

14 Q. Okay. The second paragraph of -- same  
15 page, when the officers arrived, a vehicle with  
16 occupants that matched the description of the  
17 suspects was seen pulling away from the vehicle  
18 (sic).

19 And we've already talked about the  
20 differences in clothing and race, correct?

21 A. Yes, we've discussed that.

22 Q. Okay. And where it says, Mr. Phillips  
23 began to resist. The officer used force that was  
24 reasonable to gain control of Mr. Phillips.  
25 Would you expect internal affairs, in their

1 investigation that you sign off on, to have  
2 investigated Mr. Phillips' version of what  
3 happened and the officers' version of what  
4 happened?

5 A. Not necessarily.

6 Q. Okay. And at what -- what would  
7 warrant the complete -- or what would warrant not  
8 considering Mr. Phillips' statement?

9 A. His refusal to talk to the  
10 investigators.

11 Q. Okay. If Mr. Phillips gave a statement  
12 to the investigators, would you expect them to at  
13 least listen to the statement that was given?

14 A. To the intake call?

15 Q. Yes.

16 A. Perhaps.

17 Q. Okay. And what would be a situation  
18 when they -- you would not expect them --

19 A. I don't oversee internal affairs. I  
20 can imagine myself, but I don't oversee internal  
21 affairs, to know what their specific policies  
22 are.

23 Q. Okay. If internal affairs does not do  
24 a thorough investigation, then how can you review  
25 and recommended that an officer be exonerated or



1     that they -- that is's sustained or the plethora  
2     of findings that the department can have?

3             MS. LLOYD:  Objection as to form and --  
4             well, objection as to form.

5             A.  Could you repeat the question, please?

6     BY MS. BRATTON:

7             Q.  Yes.

8             You -- if you -- if internal affairs  
9     does not do a thorough investigation, how can you  
10    make a recommendation on -- or a finding -- a  
11    recommendation for a finding?

12            A.  I would make my recommendation based on  
13    a thorough investigation --

14            Q.  Okay.

15            A.  -- to my satisfaction.

16            Q.  Okay.  And so you, then, are satisfied  
17    if internal affairs does not consider what the  
18    arrestee or suspect says?

19            MS. LLOYD:  Objection as to the form of  
20    that question.

21            And, again, we're into a realm of  
22    hypotheticals here and speculation.

23            A.  It's a hypothetical.  I'm not able to  
24    answer.

25            MS. BRATTON:  For the record, every

1           time that Counsel objects to a hypothetical,  
2           the witness then responds, it is a  
3           hypothetical, and that they can't answer.

4           MS. LLOYD: Why don't we stick to this  
5           case and ask some direct questions?

6           MS. BRATTON: Why don't you ask the  
7           questions that you want to ask when it's  
8           your turn and allow me to answer -- and ask  
9           mine?

10          MS. LLOYD: We've been extremely  
11         patient with this line of questioning all  
12         day.

13          MS. BRATTON: Well, I think that it  
14         is -- if an investigation exonerates an  
15         officer in a use-of-force accusation, that  
16         it is not crazy to want to know how the  
17         officer came to that conclusion.

18          MS. LLOYD: And we have the entire  
19         investigation here. And as you know, you  
20         have already deposed the investigating IAB  
21         sergeant.

22          MS. BRATTON: Yes. And there are one,  
23         two, three, four, five -- six people who  
24         make a decision as to --

25          MS. LLOYD: Well, let's ask about the

1 six then.

2 MS. BRATTON: -- the reasonableness.

3 So I can ask someone who is a

4 decision-maker on, presumably --

5 BY MS. BRATTON:

6 Q. How many use-of-force investigations

7 have you reviewed and made recommendations on?

8 A. Hundreds.

9 Q. Okay. So you've made hundreds of  
10 decisions?

11 A. Correct.

12 Q. Okay. So in your hundreds of  
13 decisions, would you expect an investigator to at  
14 least listen to the complainant's version of what  
15 happened?

16 A. Not every use-of-force investigator --  
17 investigation comes through internal affairs.

18 Q. Okay. If it comes through internal  
19 affairs and -- Mr. Phillips and came through  
20 internal affairs. Mr. Phillips made a call.  
21 Mr. Phillips' call was recorded. Mr. Phillips  
22 was detailed in what his version of events were.

23 Would you have expected them, the  
24 investigator, to listen to Mr. Phillips' call?

25 A. I would expect the investigator to

1     contact Mr. Phillips and get his version of the  
2     events, yes.

3           Q.     Okay. And if Mr. Phillips' attorney  
4     said, you've already given a statement, don't  
5     talk to them again, would you expect them to go  
6     off of what they have?

7           A.     Perhaps. I -- that call isn't useful  
8     to an investigator. That call contains almost no  
9     facts.

10          Q.     So -- okay. So it's your testimony  
11     that Mr. Phillips' call contains almost no facts  
12     about his version of what happened to him?

13          A.     As you compare it to the hours of the  
14     following investigation with the officers that  
15     were available, I would say that it's quite  
16     distinguishable.

17          Q.     Okay. All right. If you could, look  
18     through Exhibit 2 -- well, no. I'm sorry.

19                   If the officers -- if IAB conducted  
20     multiple interviews of the officers, those  
21     interviews would be recorded, correct?

22          A.     Correct.

23          Q.     Okay. So then if we asked for all the  
24     interviews and we only got these interviews, it's  
25     a safe assumption that these are the only

1 interviews that internal affairs conducted in  
2 this case?

3 A. That's a fair assumption.

4 Q. Okay. And so if some of those  
5 interviews are each of one officer, and there was  
6 one intake call with Mr. Phillips, what would  
7 make Mr. Phillips' call, with his facts,  
8 irrelevant from the facts that are presented by  
9 the other officers?

10 MS. LLOYD: Again, I have to object as  
11 to form.

12 There's been no testimony here that  
13 Mr. Phillips' call was irrelevant.

14 A. I wouldn't consider his call  
15 irrelevant.

16 BY MS. BRATTON:

17 Q. Okay. So then if his call was  
18 relevant, then you would expect them to listen to  
19 it?

20 MS. LLOYD: Again, objection as to  
21 form.

22 Who are them?

23 BY MS. BRATTON:

24 Q. You would expect internal affairs to  
25 listen to it?

1           A.    I don't operate internal affairs.  They  
2   don't report to me, ma'am.

3           Q.    Okay.  Would you consider listening to  
4   Mr. Phillips' call to be a thorough  
5   investigation?

6           A.    No.  I would not consider listening to  
7   one call a thorough investigation, no.

8           Q.    Would your consider listening to  
9   Mr. Phillips' call along with all of the other  
10   calls to be a thorough investigation?

11          A.    Not necessarily.

12          Q.    Okay.  Would you consider the exclusion  
13   of Mr. Phillips's to not be a thorough  
14   investigation?

15                MS. LLOYD:  Again, I have to object as  
16   to form and as to this hypothetical  
17   exclusion of Mr. Phillips.

18          A.    It -- I -- I don't know if that -- did  
19   that occur?  I don't know if this occurred, if  
20   it's a hypothetical.  I can't answer that.  I  
21   don't know.

22   BY MS. BRATTON:

23          Q.    Okay.  Well, I didn't conduct the  
24   investigation, so I don't know either.  I don't  
25   know whether or not.

1                   But you signed off on it. So I'm  
2 asking you, on an investigation that you signed  
3 off on, you are the final person to make a  
4 decision about whether the officers did the right  
5 thing or not -- in an investigation that you sign  
6 off on, would -- and you said that you only sign  
7 off on thorough investigations.

8                   So would you not consider it to be a  
9 thorough investigation if the investigator did  
10 not listen to Mr. Phillips' version of the  
11 story?

12           A.     Ma'am --

13                   MS. LLOYD: This is a hypo -- I have to  
14 object as to a hypothetical.

15                   Where are you demonstrating to this  
16 deponent that someone did not listen to a  
17 tape?

18           A.     I'm having a hard time hearing between  
19 accusations, assertions, and questions. I don't  
20 understand what I'm being asked.

21 BY MS. BRATTON:

22           Q.     Okay. Would you expect for an  
23 investigator conducting an investigation to  
24 listen to the facts that are presented by the  
25 person making the complaint?

1           A.    Ma'am, with all due respect, would you,  
2   establishes a hypothetical.

3                   I don't know.

4           Q.    Okay. Well, in this case, you don't  
5   know whether or not the internal affairs officer  
6   listened to Mr. Phillips' tape, correct?

7                   MS. LLOYD: Again, I have to object.

8                   The record doesn't reflect he's had an  
9   opportunity to look through the entire  
10   investigation.

11                  MS. BRATTON: I have offered the  
12   opportunity to look through it. Do you --  
13   let's take a break, please, so we can look  
14   through it. Let's -- we can take a  
15   10, 15-minute -- however long you need to  
16   look through the investigation.

17                  MS. LLOYD: And then what is the  
18   question?

19                  MS. BRATTON: I'll ask questions once  
20   he refreshes his memory.

21                   (A recess was taken from 2:42 to 3:17.)

22   BY MS. BRATTON:

23           Q.    Based on your review, do you know  
24   whether the internal affairs officer listened to  
25   Mr. Phillips' tape?



1           A.    I don't know.

2           Q.    Okay.  Based on your review -- if you  
3   can, turn to GB774; still in Exhibit 2.

4           A.    (Witness complies.)

5           Q.    Third paragraph down, under Sergeant  
6   Lowell Rector.

7           A.    Okay.

8           Q.    Sergeant Rector stated, once the  
9   burglary scene was secured he attempted to speak  
10   with Mr. Phillips.  Sergeant Rector stated Mr.  
11   Phillips told him that he was a former Ohio  
12   trooper, and he was not going to speak unless he  
13   had a lawyer present.

14                   Is that what -- this is -- the  
15   investigative summary states from Sergeant Lowell  
16   Rector?

17                   MS. LLOYD:  Again, we can stipulate  
18   that what's written on the page is what's on  
19   the page.

20           BY MS. BRATTON:

21           Q.    You can answer if that's what the  
22   investigative summary says.

23           A.    What's written on the page is what's  
24   written on the page.

25           Q.    Okay.  So -- so then that's a yes?

1 MS. LLOYD: Yes to what?

2 A. What was the question?

3 BY MS. BRATTON:

4 Q. That the investigative summary states  
5 that Sergeant Lowell Rector said the -- the  
6 sentence that I read.

7 A. I'll need you to reread it. I --

8 Q. Sergeant Rector stated, once the  
9 burglary scene was secured, he attempted to  
10 speak with Mr. Phillips. Sergeant Rector stated  
11 Mr. Phillips told him that he was a former Ohio  
12 trooper, and he was not going to speak unless he  
13 had a lawyer present.

14 Does the investigative summary -- is  
15 that an accurate depiction of what the  
16 investigative summary says on GB774?

17 A. That it an accurate reading of what it  
18 says.

19 Q. Okay. And so then would you agree --  
20 on page GB782 -- that Mr. Phillips' admission did  
21 not come from Sergeant Lowell Rector, the  
22 admission that Sergeant Johnson states, when he  
23 says Mr. Phillips admitted he was not following  
24 instructions when asked to step away from the  
25 vehicle?

1                   Would you agree that, based on Sergeant  
2 Rector's statement, that that statement was not  
3 given to Sergeant Rector?

4           A.    There exists circumstances where that  
5 could have still been overheard by Sergeant  
6 Rector, so I can't answer that in the  
7 affirmative.

8           Q.    Okay. And based on your review, did  
9 you see in this packet where Sergeant Rector made  
10 that statement to the investigator?

11          A.    No.

12          Q.    Okay. Did you see anywhere in the  
13 packet where Mr. Phillips admitted he was not  
14 following instructions when he was asked to step  
15 away from his vehicle?

16          A.    I'd like to re -- rehear his intake  
17 interview.

18          Q.    Okay.

19                   (Audio was played.)

20 BY MS. BRATTON:

21          Q.    I'm sorry. I should have -- I'm  
22 replaying Exhibit 21, which is Mr. Phillips' IAB  
23 interview -- phone interview.

24                   (Audio was played.)

25          A.    Can we stop a second?

1 BY MS. BRATTON:

2 Q. Yes.

3 A. He's returning his call. Is the other  
4 call available?

5 MR. PHILLIPS: There was no other  
6 call.

7 THE WITNESS: He says he's returning  
8 your call.

9 MR. PHILLIPS: I called --

10 BY MS. BRATTON:

11 Q. Mr. -- Mr. Phillips called a --

12 MS. BRATTON: Is that about the  
13 complaint line?

14 MR. PHILLIPS: The voicemail, yeah.

15 BY MS. BRATTON:

16 Q. -- like a voicemail line.

17 A. Is that recording available?

18 Q. I don't believe it was included. Oh,  
19 here it is.

20 (Audio was played.)

21 BY MS. BRATTON:

22 Q. These are the only phone calls that  
23 were given. The other two are voicemails for  
24 Mr. Phillips. So the only phone call that the  
25 department gave me was what they contained in the

1 IAB report.

2 So I'll play Mr. Phillips' intake call.

3 (Audio was played.)

4 BY MS. BRATTON:

5 Q. In that call, did you hear Mr. Phillips  
6 admit that he was not following instructions?

7 A. Not to those words, no.

8 Q. And, in fact, Mr. Phillips stated that  
9 when Officer Blair wanted him to stop, he stopped  
10 and stayed stopped, correct?

11 A. Again, from memory -- I don't remember  
12 those exact words.

13 Q. Okay. Do you remember that he stayed  
14 stopped, he didn't drive off from her?

15 A. Correct.

16 Q. Okay. And that Officer Blair told him  
17 to turn the truck off, and he turned his truck  
18 off?

19 A. Correct.

20 Q. That Officer Blair asked for his  
21 license, he gave her his license?

22 A. Not directly.

23 Q. He didn't give her his license?

24 A. Not directly. There was a  
25 back-and-forth, back-and-forth before he finally

1 provided his license. At first, he said he did  
2 not have it.

3 Q. He said that he said that, or did  
4 Officer Blair say that?

5 A. Officer Blair.

6 Q. Okay. I'm asking what -- from Off --  
7 from Mr. Phillips' version.

8 A. You took notes, I didn't. So I'm --

9 Q. Okay.

10 A. -- I am unable to answer that  
11 specifically.

12 Q. Okay. But, just to be clear, what you  
13 just said, that he said he didn't have his  
14 license, that was Officer Blair's version, not  
15 Mr. Phillips'?

16 A. Again, I don't recall Mr. Phillips'  
17 word for word. I recall Officer Blair reporting  
18 that.

19 Q. Okay. And Mr. Phillips saying that he  
20 got out of the truck, he was hesitant, but he  
21 went ahead and stepped out, do you remember that  
22 from the tape that was just played?

23 A. Generally, yes.

24 Q. Okay. And that he said, I never  
25 resisted, I was letting them do what they wanted.

1           A.    That sounds like a direct quote that  
2    you wrote down.  I don't recall that.

3           Q.    Okay.  Do you recall hearing him say, I  
4    never resisted?

5           A.    I don't recall that.

6                   (Audio was played.)

7   BY MS. BRATTON:

8           Q.    Okay.  Did you hear, on the tape,  
9    Mr. Phillips say, I never resisted, I was trying  
10   to let them do what they wanted?

11          A.    Yes.

12          Q.    Okay.  And so -- well, you've already  
13   answered that there was no direct admission.

14               And according to policy, can officers  
15   stop someone for the sole reason that they're in  
16   the vicinity of a reported crime?

17          A.    Policy does not say that, no.

18          Q.    Okay.  And based on your review, did  
19   you have any follow-up questions regarding why  
20   Mr. Phillips was stopped after dispatch told them  
21   that everyone was back inside in the building --  
22   told the officers everyone was back inside the  
23   building?

24          A.    I believe I answered that I had no  
25   follow-up questions.

1 Q. And if you know that an officer has  
2 a -- well, let me ask this.

3 Do you know whether any of the  
4 officers, Blair, Cazan, McClain, or Groves, have  
5 not been completely forthcoming in prior  
6 investigations?

7 MS. LLOYD: Objection as to the form of  
8 that question.

9 A. There's at least a double negative in  
10 that. Could you repeat it for me?

11 BY MS. BRATTON:

12 Q. Do you know whether Blair, McClain,  
13 Cazan, or Groves have not been completely  
14 forthcoming in prior investigations?

15 MS. LLOYD: Objection as to form.

16 A. That's -- I -- I still can't follow the  
17 question. I'm sorry.

18 BY MS. BRATTON:

19 Q. Okay. When you conduct an  
20 investigation on an officer, do you ever --

21 A. I don't conduct investigations on  
22 officers.

23 Q. I'm sorry. When you review the  
24 investigation --

25 A. Okay.



1           Q.    -- and you review officers' statements,  
2   do you look to see whether or not an officer has  
3   not been completely forthcoming in prior  
4   investigations?

5           A.    That -- I don't understand that.  I --  
6   officers are investigated for hundreds of  
7   previous things.  I do not review all those  
8   investigations when reviewing this investigation.

9                    You saw -- so I don't review their  
10   investigations from before to then judge them  
11   based on those.

12                   So I guess the answer is no.

13           Q.    Okay.  So not to judge -- well,  
14   withdraw that.

15                   And can you describe the three-second  
16   rule used in compliance?

17           A.    I'm not familiar with the three-second  
18   rule.

19           Q.    Okay.  What is your training in regard  
20   to how long you should give a citizen the -- to  
21   comply with a command?

22                   MS. LLOYD:  Objection as to form.

23           A.    We don't list an amount of time.

24   BY MS. BRATTON:

25           Q.    Okay.  Is there some factor that you

1 all are supposed to consider?

2 A. You should consider whether the person  
3 is responding to those requests or that order.

4 Q. Okay.

5 MS. BRATTON: I think I'm done. If you  
6 could just give me two minutes.

7 (A recess was taken from 3:47 to 3:49.)

8 MS. BRATTON: I don't have anything  
9 further. Thank you.

10 THE REPORTER: Signature?

11 MS. LLOYD: Yes.

12 I would like the same order that I had  
13 yesterday.

14

15

DEPUTY CHIEF KENNETH KUEBLER

16

17

- - -

18

DEPOSITION ADJOURNED AT 3:51 P.M.

19

- - -

20

21

22

23

24

25

1 C E R T I F I C A T E

2

3 STATE OF OHIO :  
4 : SS  
5 COUNTY OF HAMILTON :

6 I, Wendy Scott, the undersigned, a duly  
7 qualified and commissioned notary public within  
8 and for the State of Ohio, do certify that before  
9 the giving of his deposition, DEPUTY CHIEF  
10 KENNETH KUEBLER was by me first duly sworn to  
11 depose the truth, the whole truth and nothing but  
12 the truth; that the foregoing is the deposition  
13 given at said time and place by DEPUTY CHIEF  
14 KENNETH KUEBLER; that I am neither a relative of  
15 nor employee of any of the parties or their  
16 counsel, and have no interest whatever in the  
17 result of the action.

18 IN WITNESS WHEREOF, I hereunto set my hand  
19 and official seal of office at Cincinnati, Ohio,  
20 this 9th day of October 2017.

21

22

23

24

25

  
\_\_\_\_\_  
Wendy Scott  
Notary Public - State of Ohio  
My commission expires September 3, 2022

1 E R R A T A S H E E T

2 DEPOSITION OF: DEPUTY CHIEF KENNETH KUEBLER  
3 TAKEN: SEPTEMBER 28, 2017

4 Please make the following corrections to my  
5 deposition transcript:

6	Page	Line Number	Correction Made
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			

24  
25 Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

---

**0**

---

**0** 50:24

---

**1**

---

**10** 17:21,22 34:23 65:7  
87:15**10-8** 60:16**11** 62:17**12** 62:16**15** 26:23**15-minute** 87:15**16** 31:3 51:24**18** 30:8

---

**2**

---

**2** 13:14 17:11,14 26:13  
29:6 34:22 35:7 50:24  
54:8 60:11 72:23 83:18  
88:3**2000s** 15:18**2014** 7:9 8:17 16:1 17:24  
18:1**201409-0040** 13:21**21** 30:14 60:6 62:8,9,12  
76:7 90:22**22** 38:22 39:1 45:21 50:20  
51:3**25** 31:4 51:3**28** 64:25 65:4**2:42** 87:21

---

**3**

---

**3** 11:12,23 12:1 38:19,25  
51:2**3.25** 18:11**3/2** 26:23**32** 39:2 50:21**34** 74:1**36** 74:1**3:17** 87:21**3:47** 97:7**3:49** 97:7**3:51** 97:18

---

**4**

---

**44** 38:22 39:1**45** 50:21**48** 51:3

---

**5**

---

**52** 60:12

---

**6**

---

**6** 65:7**675** 7:15

---

**7**

---

**70** 55:9

---

**8**

---

**8** 11:25 12:1

---

**9**

---

**9** 51:6**9191** 51:7,8,11,14

---

**A**

---

**ability** 5:6**able** 23:2 43:8 52:2 62:20  
69:21 80:23**access** 66:11 67:22**account** 59:11**accurate** 65:11 75:10  
89:15,17**accusation** 36:19 63:18  
81:15**accusations** 86:19**acted** 14:16**actions** 23:23 25:16 28:25  
67:25**actual** 7:25**additional** 28:8 30:2,3  
32:14,25 62:24 71:3,19**Additionally** 11:15**address** 31:15**adherence** 24:24**ADJOURNED** 97:18**administrative** 73:18**admission** 89:20,22 94:13**admit** 92:6**admitted** 75:22 89:23  
90:13**affairs** 10:14,20 14:7 32:7,  
10 33:9,16 34:3 36:20  
37:1,14,19,25 62:13 65:5  
77:15 78:25 79:19,21,23  
80:8,17 82:17,19,20 84:1,  
24 85:1 87:5,24**affairs'** 32:10**affirmative** 90:7**African** 40:22**African-american** 40:9**afternoon** 4:6**ago** 56:17,19,25 57:2,5,8,  
12,23 58:3,18**agree** 32:23 47:14 49:20,  
23 50:2,15 51:6 52:13  
73:16 89:19 90:1**ahead** 93:21**air** 30:24**allegation** 25:12 35:9,12,  
16,19 67:5 71:20 72:10  
74:5,21**alleged** 46:25**alley** 45:16,19**allow** 21:13 81:8**allowed** 53:22**allowing** 63:19**altogether** 44:22**ambiguity** 48:11**American** 40:22**amount** 74:20 96:23**annual** 14:10**answer** 4:20 15:6,12,13  
18:16 20:1 23:2,15,16,19  
41:3 42:23 43:8 55:12  
57:18 64:1 67:12 68:21  
80:24 81:3,8 85:20 88:21  
90:6 93:10 96:12**answered** 94:13,24**anybody** 44:13**appears** 17:24 20:5**application** 67:13**appointed** 9:14**approve** 68:24**approximately** 7:15**arbitrator** 73:4**arm** 64:22 65:9,10,15,16**arms** 63:20,21,22**arrest** 9:19**arrestee** 78:10 80:18**arrive** 11:19 13:7**arrived** 78:15**asked** 48:4 51:11 56:2,10  
57:17 75:23 83:23 86:20  
89:24 90:14 92:20**asking** 19:20 20:23 36:16,  
18 37:14 43:18 54:2  
55:21,23 56:12 57:13 63:4  
69:8 70:4,10 86:2 93:6**assertions** 86:19**assigned** 7:16

**assume** 41:4 68:20  
**assuming** 72:9  
**assumption** 65:21 83:25  
 84:3  
**attempt** 22:13 49:5  
**attempted** 88:9 89:9  
**attorney** 5:12,22 15:11  
 83:3  
**attorney's** 5:24  
**attorneys** 58:9  
**audio** 5:18 30:16 31:1  
 33:5,13,14 34:6,7,15,24  
 38:23 39:3 40:18 50:13,22  
 51:4 60:9 62:14 64:12  
 76:10,12,15 90:19,24  
 91:20 92:3 94:6  
**available** 14:9 73:5 83:15  
 91:4,17  
**avoid** 22:13  
**aware** 14:8 40:17 59:17

---

**B**


---

**B-y-r-n-e** 60:8  
**Bachelor's** 6:24 7:4  
**back** 5:1 12:25 21:2,3  
 26:13 29:5 31:16 45:7,16,  
 18 47:2,10,12,15,18 50:3,  
 25 94:21,22  
**back-and-forth** 92:25  
**background** 31:15  
**bad** 9:17  
**badge** 51:17  
**bar** 42:6,13  
**base** 32:4,7 71:9  
**based** 24:14 33:3 40:11,20  
 56:16 61:8 65:13 67:12  
 71:25 76:17 77:2 80:12  
 87:23 88:2 90:1,8 94:18  
 96:11  
**basis** 70:18  
**began** 78:23  
**behavior** 25:21  
**behaviors** 23:24  
**believe** 18:2 19:11 27:16  
 33:1,21 34:10 44:20 48:4  
 53:5,10 61:1 62:4 67:4  
 91:18  
**belive** 94:24  
**beyond** 12:17 31:8  
**bit** 30:18 52:5  
**black** 41:9,14,17,20 42:3,  
 7,13,15,17 43:1,4,20,22,  
 24 47:20,24 48:9 49:24  
 52:11,14,16,17

**Blair** 35:9 45:11 62:19  
 63:7 64:5,17,20 65:14  
 66:5 74:10 92:9,16,20  
 93:4,5,17 95:4,12  
**Blair's** 62:9 73:9 93:14  
**blocking** 67:22 68:1,13  
**board** 12:14  
**book** 13:14  
**bottom** 13:16  
**BRATTON** 4:5 14:23 15:9  
 16:4,11 17:19 18:9,18  
 19:17,19,25 20:14,22  
 21:11,18,24 22:15 23:3,18  
 24:25 25:5,10,18,23 26:8  
 27:24 28:11 30:10,17,21  
 31:2,10,14,20 33:10 34:5,  
 21,25 36:15 37:8,13 38:24  
 39:4,9,19 40:19 41:6  
 42:10,24 43:10,12,17,25  
 44:8,12,21 45:20 46:9,16,  
 20,23 47:5,8 48:6 49:8,18  
 50:14,23 51:5 52:1 54:19  
 55:19,24 58:4 60:10 61:7  
 62:6,11,15 63:16 64:3,13,  
 25 65:2,24 68:10,22 69:6,  
 20 70:21 71:5 72:7 73:15  
 75:11,20 76:13 80:6,25  
 81:6,13,22 82:2,5 84:16,  
 23 85:22 86:21 87:11,19,  
 22 88:20 89:3 90:20 91:1,  
 10,12,15,21 92:4 94:7  
 95:11,18 96:24 97:5,8

**break** 5:2 78:1 87:13  
**bring** 64:25  
**broken** 14:12  
**brought** 56:22  
**Brown** 9:5  
**building** 45:9,10 46:24  
 47:2,10,11 50:7 94:21,23  
**bunch** 62:24  
**bureau** 6:12 10:14,20 14:7  
**burglarized** 46:25  
**burglary** 88:9 89:9  
**business** 36:13,17  
**Byrne** 51:7,11,14,17,19  
 52:3,7,9,15 60:14  
**Byrne's** 60:7 61:3 62:12

---

**C**


---

**CAD** 73:7  
**call** 11:12 19:2 29:12  
 33:18,20,22 35:1 38:20  
 39:13 48:16 51:17 60:15  
 76:12 79:14 82:20,21,24  
 83:7,8,11 84:6,7,13,14,17  
 85:4,7,9 91:3,4,6,8,24

92:2,5  
**called** 40:13 43:2 49:10  
 91:9,11  
**caller** 41:17 50:10,16,25  
 53:13  
**calling** 49:14 51:16  
**calls** 22:23 23:13 42:5,12  
 43:19 69:2 85:10 91:22  
**cam** 27:10,12  
**camera** 51:23  
**capable** 20:20  
**car** 20:24,25 23:5 47:23  
 53:9  
**carrying** 50:3  
**case** 7:13 13:24 27:5  
 28:16,19,22 29:2 30:5,6  
 40:3 45:4 48:18 51:16  
 58:20,24 62:3,5 68:19  
 81:5 84:2 87:4  
**causing** 67:24  
**Cazan** 35:13 65:9 74:10  
 95:4,13  
**certain** 12:11  
**certainly** 78:2  
**cetera** 69:24  
**Chad** 65:8  
**chain** 10:16 12:15,20 27:7  
 54:6,8,12,22  
**change** 16:10 24:1 41:24  
 48:12,13 75:12,18,19  
**changed** 56:23 69:4  
**changes** 15:23 16:5  
**changing** 69:5  
**characteristic** 44:17  
**characterize** 49:5,6  
**characterized** 61:5  
**charge** 36:12,17  
**charged** 36:11  
**chemical** 19:1  
**chief** 4:1,16 5:15 6:2,7 7:9,  
 11,12,25 8:1,3,8 9:17  
 11:20 13:23 37:5 97:15  
**chiefs** 7:18 8:3  
**chronology** 8:21  
**circumstances** 90:4  
**citizen** 9:20 10:8,12 22:19  
 28:1 67:15 68:25 69:13,22  
 70:25 96:20  
**citizen's** 29:10,15  
**citizens** 70:13  
**city** 5:24 6:18 7:17 58:9  
**claim** 35:22 37:2  
**claims** 37:15  
**clarification** 45:8 64:2

**clarified** 50:6  
**clarify** 5:15 21:23  
**classes** 26:9,10  
**classroom** 26:4  
**clear** 14:19 15:3 68:5  
 69:11 93:12  
**close** 24:7  
**closed** 26:24,25  
**clothing** 41:24 44:23 47:21  
 48:12,13,15,22 78:20  
**coat** 49:21 53:7,8  
**color** 41:10  
**Columbus** 4:15 6:18 7:17  
 14:2 15:17 69:12,17,21  
 71:25  
**combines** 44:5  
**come** 11:22 77:6 89:21  
**comes** 82:17,18  
**coming** 4:8 17:2  
**command** 10:17 12:15  
 21:6,7,14,17 22:3,18,19  
 27:8 54:6,8,12,23 68:7  
 70:7,8 96:21  
**commander** 6:6 10:23  
 13:11  
**commands** 20:9,11,15  
 21:4,10,20 22:6,11,14,21,  
 22 23:11 24:16 70:10  
**comments** 27:7  
**communicated** 49:2  
**communication** 31:21  
**communications** 7:6  
**compare** 83:13  
**compared** 59:6  
**complainant** 29:21  
**complainant's** 32:2 33:4,  
 5,12,18 82:14  
**complaining's** 28:2  
**complaint** 10:9,11,13 11:1  
 29:11,15,17 30:15 31:6  
 32:5,8 33:15 36:19,20  
 37:19 54:13 56:22 59:7  
 72:21 75:17,25 76:8,14  
 86:25 91:13  
**complaints** 9:18 32:7  
 36:23 37:16,22 76:17  
**complete** 38:14 62:12 79:7  
**completed** 6:25 27:3  
**completely** 44:10 95:5,13  
 96:3  
**compliance** 96:16  
**compliant** 67:19 69:1,13,  
 22,23 70:6,23  
**complicated** 12:5 24:19

**complied** 24:16  
**complies** 19:8 26:15 45:22  
 72:24 88:4  
**comply** 21:6,7,13 96:21  
**complying** 67:10,15 71:17  
 72:2  
**concentrate** 5:6  
**conclusion** 28:25 29:3  
 56:7,25 57:14 58:15,18  
 81:17  
**condensed** 71:13,15  
**conduct** 85:23 95:19,21  
**conducted** 10:20 66:14  
 83:19 84:1  
**conducting** 63:11 86:23  
**conflict** 28:5  
**conflicting** 22:11,14,18  
 25:2,7,13  
**confused** 20:13,18  
**confusing** 65:15  
**Connor** 17:18  
**consider** 17:14,17 23:10  
 80:17 84:14 85:3,6,8,12  
 86:8 97:1,2  
**considering** 79:8  
**contact** 31:16 83:1  
**contain** 42:22  
**contained** 91:25  
**contains** 83:8,11  
**control** 78:24  
**controlled** 63:20  
**conversation** 77:7  
**conversations** 77:12  
**copy** 73:3,7,9  
**cordoned** 7:21  
**correct** 7:23 8:1,5 11:3  
 18:12 20:7 26:21 29:8,9  
 32:11,18 35:10,11,14 38:8  
 45:25 47:5 52:8,21 57:2,3,  
 6,9 58:17 60:21,22,25  
 66:6,11,12,16 71:7,8,10,  
 11 73:5,7,22 74:6 75:2  
 78:20 82:11 83:21,22 87:6  
 92:10,15,19  
**Counsel** 37:9 43:11 81:1  
**Counsel's** 49:5  
**course** 31:23  
**court** 36:14  
**covered** 18:22  
**crazy** 81:16  
**crime** 94:16  
**criminal** 7:4  
**cruiser** 27:10,12 51:23  
**current** 6:14

---

**D**


---

**daily** 7:14  
**Dale** 30:15 76:7  
**dark** 44:18  
**dark-skinned** 41:14  
**darker** 41:10  
**database** 13:20  
**date** 49:6  
**dates** 9:10  
**day** 81:12  
**DC** 26:17  
**dead** 30:24  
**deadly** 19:9,10,21  
**deal** 11:1  
**death** 19:14  
**December** 6:25  
**decider** 12:12  
**decision** 13:12 32:6,22  
 33:3 54:24 56:16,18 69:10  
 71:9 75:5 81:24 86:4  
**decision-maker** 11:21  
 12:7,10,18 13:18 26:21  
 82:4  
**decisions** 82:10,13  
**deem** 22:21 24:14  
**definition** 70:1,6  
**definitions** 69:23,24  
**degree** 7:3  
**demonstrated** 49:16  
**demonstrating** 86:15  
**department** 4:15 5:23 6:3  
 14:3 15:16,17,25 16:15  
 31:22 80:2 91:25  
**depends** 26:7 27:14  
**depiction** 89:15  
**deponent** 86:16  
**deposed** 4:3 81:20  
**deposition** 4:17 5:9,12  
 38:19 97:18  
**deputy** 4:1,16 6:2,7 7:8,11,  
 12,18 8:3 9:16 11:20 37:5  
 97:15  
**describe** 39:11 96:15  
**described** 35:5 48:15 52:3  
 60:20 61:12  
**description** 39:21 40:12,  
 24 41:11,21 42:3,18  
 44:10,16 52:17 78:16  
**descriptive** 44:20  
**detailed** 36:21 82:22  
**details** 36:9 64:2 69:9  
**detain** 17:4

**detained** 41:19  
**detention** 10:6,7 11:2,23 16:25  
**detentions** 16:21  
**determination** 15:2 17:15 54:5 66:20 72:11 74:19  
**determine** 41:12 45:2 56:15  
**determined** 65:17  
**development** 6:11  
**difference** 28:1 48:7  
**differences** 78:20  
**different** 6:9 44:6 47:16 52:21 56:21 57:11,20  
**difficult** 41:11  
**direct** 43:16,18 46:1 81:5 94:1,13  
**directing** 37:9,11 43:11  
**directive** 18:6,10 72:17,19, 22  
**directly** 23:2 92:22,24  
**director** 8:11,12,17,20 9:12,14  
**directors** 8:22  
**disagreement** 12:14  
**discernable** 44:17  
**discipline** 12:12  
**discrepancy** 29:25  
**discussed** 11:22 78:21  
**discussion** 77:8 78:3  
**disk** 62:12  
**disks** 30:12  
**dispatch** 28:13,16 38:20 39:5,10,12,16 40:11,13, 20,25 42:5,12,15 43:2,19 44:2,7,10 45:5 47:12 48:20 49:2,7,10,20,23 50:2,15,24 52:4 53:18 57:4 60:19,21,24 61:10, 17,18,20 94:20  
**dispatcher** 39:14  
**disprove** 74:21  
**dispute** 13:1  
**disregard** 44:9  
**distinguishable** 83:16  
**division** 7:13,14 18:6,10  
**document** 77:1  
**documentation** 76:23  
**documents** 5:8 59:22,25  
**doing** 10:10 25:14 67:23 70:8  
**door** 45:7,16,18,24 47:2,4, 10,12,13,15,18,19 50:4  
**double** 20:23 95:9

**Dr** 8:15,16  
**drive** 92:14  
**driving** 46:11,15,18  
**due** 87:1  
**duly** 4:2  
**duties** 7:8

---

### E

---

**early** 4:8  
**education** 6:23  
**eight** 11:6  
**either** 71:20 85:24  
**Elite** 66:9  
**emergency** 67:23 68:2,12  
**employ** 5:22  
**enforcement** 6:18 39:6  
**entire** 55:8 63:2 81:18 87:9  
**escalate** 19:5  
**established** 36:24  
**establishes** 87:2  
**et** 69:24  
**evaluate** 24:23  
**evaluation** 24:22  
**events** 82:22 83:2  
**evidence** 28:8 30:3,5  
**exact** 34:11 60:17 92:12  
**EXAMINATION** 4:4  
**examined** 4:3  
**example** 46:16 67:21  
**examples** 17:7 68:12  
**exclusion** 85:12,17  
**exclusively** 78:5  
**Excuse** 26:12  
**exhibit** 13:14 17:21,22 26:13 29:6 30:8,14 35:7 38:19,25 45:21 51:2,24 54:8 60:6 62:8,9,12 64:25 65:4 72:23 76:7 83:18 88:3 90:22  
**existed** 17:24  
**exists** 90:4  
**exonerate** 68:24 71:20  
**exonerated** 72:10 79:25  
**exonerates** 81:14  
**expect** 16:17 67:7 68:2 74:17 78:25 79:12,18 82:13,25 83:5 84:18,24 86:22  
**expected** 66:18 82:23  
**experience** 6:21  
**explain** 18:24  
**explaining** 36:10

**expressed** 23:23  
**extent** 46:4 61:5  
**extreme** 42:21  
**extremely** 81:10

---

### F

---

**face** 68:16  
**fact** 60:24 77:1,3,5 92:8  
**factor** 43:6 96:25  
**facts** 24:5,15 44:25 45:3 46:5,6,8 56:23 58:20 61:9 62:3 71:4 72:3 74:20,22 83:9,11 84:7,8 86:24  
**fair** 58:21 84:3  
**fairly** 32:3  
**familiar** 96:17  
**far** 18:25 65:14  
**fast-forward** 30:18  
**feel** 27:19  
**feelings** 38:16  
**feels** 9:20 59:14  
**fellow** 22:1  
**female** 41:17 49:24 51:8, 19 52:17  
**figure** 68:23  
**figured** 66:19  
**file** 10:12  
**final** 11:21 12:7,10,12,18 13:18 26:20 38:7 66:14 86:3  
**finally** 92:25  
**find** 25:15 72:9  
**finding** 13:19 72:4,6,9 76:18,22,25 80:10,11  
**findings** 71:15 72:12,15 74:5 80:2  
**fine** 29:13  
**firearm** 19:3  
**firearms** 12:13,14  
**first** 29:4,5 38:21 74:13 93:1  
**five** 6:15 8:2 30:23,24 81:23  
**flailing** 63:21,22 70:4  
**follow** 59:16,19 61:2,24 70:7 76:2 95:16  
**follow-up** 4:21 28:18 53:3, 7,16 62:18 63:6 94:19,25  
**followed** 22:20,22 23:11 59:12 63:1  
**following** 62:5 75:22 83:14 89:23 90:14 92:6  
**follows** 4:3



**footage** 73:4  
**force** 9:22 11:4,6,23 12:8,  
 11,17 14:2,12,15 16:18  
 17:11,14 18:12,17,21,25  
 19:1,5,10,22 35:5,10,13,  
 17,20 36:22,25 56:8 67:5,  
 9,12 74:10,14,16 75:5,14  
 78:23  
**form** 14:21 16:2 17:16  
 18:7 20:10,17 21:9,15,22  
 22:12 24:19 25:8,20 26:5  
 27:21 28:7 33:5,7,24 39:7,  
 17 41:1 42:8,20 43:5 44:5,  
 14 54:16 62:1 63:14,23  
 65:20 68:8,17 69:15 75:7  
 80:3,4,19 84:11,21 85:16  
 95:7,15 96:22  
**formal** 10:12  
**formality** 5:20  
**format** 43:16  
**former** 88:11 89:11  
**forthcoming** 95:5,14 96:3  
**forwarded** 26:23 27:1,3  
 29:8 74:23  
**found** 12:20,21 13:8 53:9  
 59:19  
**four** 81:23  
**frequently** 32:3  
**front** 24:5 56:20,22  
**fully** 69:1,13,22 70:6,23  
**funny** 18:4  
**further** 97:9  
**future** 15:10

---

**G**


---

**gain** 78:24  
**GB2384** 19:7  
**GB766** 13:16 26:14 54:9  
**GB769** 35:8  
**GB770** 35:15  
**GB774** 88:3 89:16  
**GB782** 72:23 89:20  
**generality** 24:21  
**generally** 7:16 93:23  
**George** 9:7  
**getting** 25:13  
**gist** 60:18  
**give** 20:8,11,15 21:6,10,16  
 45:3 46:17 68:6,7 92:23  
 96:20 97:6  
**given** 17:7 22:19 26:3 55:5  
 79:13 83:4 90:3 91:23  
**gives** 70:7,9  
**giving** 21:13,20 22:2,3,5,  
 11,13 25:2

**glean** 26:4  
**go** 5:1,21 10:11,13 11:5  
 12:17,25 13:10 17:22 19:9  
 25:15 26:2,13 29:4,5  
 30:11 31:8 32:17 58:7  
 64:24 72:23 83:5  
**goes** 10:15 20:3 31:10,14  
 46:1,2  
**going** 13:15 19:23 21:8  
 30:7,13,18 34:21 38:18,25  
 45:25 46:7 49:4 50:21  
 51:22 54:15,23 58:19  
 60:5,6,11 61:4 62:7,16,20  
 70:16 88:12 89:12  
**Good** 4:6  
**Graham** 17:18  
**gray** 49:21 53:7,8  
**ground** 20:24 21:1 23:7,12  
 24:9,17 66:21 67:3  
**Groves** 35:19 62:21 63:7,8  
 64:18,21 65:8 74:10 95:4,  
 13  
**Groves'** 65:5,15,16  
**guess** 12:25 20:23 29:12  
 42:15 44:1 52:6 96:12  
**gun** 19:2

---

**H**


---

**half** 7:16  
**halfway** 72:25  
**handcuffed** 11:19 12:23  
 13:2,6,9 64:18  
**handcuffing** 13:4 62:21  
 63:8 65:16  
**hands** 21:2  
**happened** 29:22,23 66:5  
 79:3,4 82:15 83:12  
**hard** 86:18  
**harm** 19:15 67:24 70:12,  
 13  
**hazard** 52:6  
**head** 41:18,20 47:22 48:8  
 49:25 52:18  
**hear** 31:17 34:9 35:1  
 54:20 60:14 64:7,14,20  
 92:5 94:8  
**heard** 23:22 24:8 39:13  
 40:12 63:2  
**hearing** 60:19 86:18 94:3  
**help** 56:14,15  
**hesitant** 93:20  
**Hi** 4:7  
**higher** 11:13  
**highest-level** 13:12

**hindered** 5:6  
**hired** 6:4  
**hold** 30:22  
**hours** 38:22 39:1 50:20  
 51:3 83:13  
**hundreds** 16:8 82:8,9,12  
 96:6  
**hypo** 86:13  
**hypothetical** 22:24,25  
 23:14 42:21,22 43:6 44:24  
 49:14 63:24 65:23 68:18  
 69:3 70:17 71:2,3 80:23  
 81:1,3 85:16,20 86:14  
 87:2  
**hypotheticals** 80:22

---

**I**


---

**IAB** 13:20 36:10 60:15  
 64:5 66:10 77:11 81:20  
 83:19 90:22 92:1  
**identify** 41:9  
**imagine** 79:20  
**imminent** 19:14  
**in-policy** 12:8  
**inaccurately** 48:15  
**incident** 27:20 38:21 59:12  
**included** 27:13 37:15 55:1  
 73:2,5,7,10,16,19,21,24  
 74:1,18 76:19 91:18  
**including** 74:15 75:15  
**inconsistencies** 30:5  
 59:11,13,17,19  
**inconsistency** 61:3,6,12,  
 14,20,22,25  
**inconsistent** 62:2  
**incorrect** 53:22,24  
**ind** 70:24  
**Indicating** 5:4 65:1  
**indication** 54:3  
**individual** 41:19 56:22  
 70:15 72:2,3  
**Individually** 20:18  
**individuals** 48:21,23,24  
**inform** 60:14  
**information** 5:23 14:6,9  
 30:2 31:15 32:15,21,22  
 42:23 65:22 71:7,10,19  
 75:5  
**initial** 30:15  
**injury** 67:25  
**innumerable** 24:1  
**inside** 50:25 94:21,22  
**instance** 71:25 76:21  
**instructions** 75:23 76:3  
 89:24 90:14 92:6

**intake** 33:18,20,22 79:14  
 84:6 90:16 92:2  
**interactions** 77:21  
**interject** 46:5,7  
**internal** 10:13,19 14:7  
 32:7,10,24 33:9,16 34:3  
 36:19 37:1,14,18,25 62:13  
 65:5 77:15 78:25 79:19,  
 20,23 80:8,17 82:17,18,20  
 84:1,24 85:1 87:5,24  
**internal's** 33:2,8  
**interview** 28:21 32:17  
 60:7 62:9 63:2 64:5 65:5  
 90:17,23  
**interviews** 30:12 62:25  
 66:10 83:20,21,24 84:1,5  
**inves** 56:5  
**investiator** 82:16  
**investigate** 9:18,21,24  
 26:24 36:3 37:19,21 53:1  
 54:24 67:2,8  
**investigated** 35:24 36:2,25  
 37:2,7 54:14 66:19 79:2  
 96:6  
**investigating** 78:7,9 81:20  
**investigation** 10:3,4,20,24  
 13:5,19 15:25 16:1 26:21  
 27:6 31:24 32:14,25 33:3  
 36:5 38:7,10,14,15 52:24  
 54:6,7,17 55:2,6,8,20,21  
 56:1 57:18 58:10 61:9  
 63:4,5,12,18 66:17 67:4  
 68:24 71:14,23 73:2 74:2  
 79:1,24 80:9,13 81:14,19  
 82:17 83:14 85:5,7,10,14,  
 24 86:2,5,9,23 87:10,16  
 95:20,24 96:8  
**investigations** 9:25 11:21  
 32:11 82:6 86:7 95:6,14,  
 21 96:4,8,10  
**investigative** 56:6 88:15,  
 22 89:4,14,16  
**investigator** 12:21 60:15  
 67:8 73:3 74:4,9,17 76:22,  
 25 77:2 82:13,24,25 83:8  
 86:9,23 90:10  
**investigator's** 34:3 72:8  
 76:18  
**investigators** 66:18 79:10,  
 12  
**involved** 19:11 20:2 60:16  
 74:8  
**involves** 12:11  
**involving** 38:21  
**irrelevant** 44:2,7 49:3  
 84:8,13,15

**is's** 80:1  
**isolating** 43:6  
**items** 29:7 45:7 50:3,16,18  
 73:1

---

**J**


---

**Jacobs** 8:7,8 13:23  
**Jean** 51:7,11,14  
**job** 61:8  
**Johns** 75:12  
**Johnson** 73:3 78:6 89:22  
**Johnson's** 75:13  
**judge** 96:10,13  
**justice** 7:4 15:17,25 16:15

---

**K**


---

**K-u-e-b-l-e-r** 4:13  
**keep** 5:23  
**Ken** 4:12  
**Kenneth** 4:1,12 97:15  
**kept** 14:6  
**kicking** 70:3  
**Kimberly** 8:7  
**kind** 9:17  
**knew** 17:2 65:22  
**know** 4:20,25 5:3 8:14,16,  
 19 9:10 10:19 13:23,25  
 14:1,5,11 16:14,16 23:21  
 31:12,18 35:25 37:6  
 41:22,25 42:1 43:17 58:11  
 62:22,25 63:2,11,17 64:1  
 65:17 66:2,3,4,8 72:19  
 73:23 75:3 76:9,11,16  
 77:23,25 78:6 79:21  
 81:16,19 85:18,19,21,24,  
 25 87:3,5,23 88:1 95:1,3,  
 12  
**Kuebler** 4:1,12 26:17  
 97:15

---

**L**


---

**label** 16:7  
**language** 20:2 60:18  
**lapse** 30:22  
**law** 6:17 39:5  
**lawyer** 88:13 89:13  
**leadership** 7:7  
**leave** 5:22  
**left** 41:5 64:21 65:9  
**lengthy** 54:17  
**let's** 10:5 81:25 87:13,14  
**letting** 93:25

**level** 7:24 11:8,10,12,24  
 12:17 14:12 17:11,14 19:5  
**levels** 11:6 12:12  
**license** 92:21,23 93:1,14  
**lieutenant** 6:6 10:23  
**line** 51:18 65:7 74:13  
 81:11 91:13,16  
**list** 96:23  
**listed** 73:1  
**listen** 5:18 28:12 30:23  
 32:2 33:12,17,20,23 34:2  
 79:13 82:14,24 84:18,25  
 86:10,16,24  
**listened** 28:15 31:5,23  
 34:18,19 58:23 75:24  
 87:6,24  
**listening** 85:3,6,8  
**little** 30:18 52:5  
**LLOYD** 14:21 15:5,7  
 16:2,6 17:16 18:7,13  
 19:16,23 20:10,17 21:8,  
 15,22 22:12,23 23:13  
 24:18 25:3,8,17,20 26:5  
 27:21 28:7 30:20,25 31:7,  
 12,18 33:7,24 34:14 36:6  
 37:4,11 39:7,17 41:1 42:8,  
 20 43:5,14 44:4,11,14  
 45:18 46:3,13,19 47:3,25  
 49:4,13 54:15 55:17,22  
 57:25 61:4 62:1,10 63:13,  
 23 65:20 68:8,17 69:2,15  
 70:16 71:1 72:6 73:11  
 75:7,16 80:3,19 81:4,10,  
 18,25 84:10,20 85:15  
 86:13 87:7,17 88:17 89:1  
 95:7,15 96:22 97:11  
**loading** 45:6 50:16,18  
**location** 39:23 44:23 48:25  
 53:17,18  
**long** 6:13 24:19 55:9 87:15  
 96:20  
**look** 5:17 14:19 15:3 25:11  
 27:25 28:6 29:21 30:2  
 55:4 83:17 87:9,12,13,16  
 96:2  
**looked** 5:8 56:1  
**looking** 13:15 14:15,25  
 44:2 74:9 75:4  
**looks** 35:8 42:1 72:25  
**loud** 4:20  
**Lowell** 88:6,15 89:5,21

---

**M**


---

**ma'am** 85:2 86:12 87:1  
**Mace** 11:16,18 12:1,16,17  
 13:7 67:14,19 68:7,13,16

69:13,21 70:14,19,23 72:1  
**Maced** 13:3,4 68:25 71:18  
 74:15 75:15  
**making** 15:2,13 17:15  
 20:20 86:25  
**male** 40:9 41:9 49:20 53:6  
**manual** 25:25 26:1  
**marked** 30:8,14 38:19  
 51:23 60:6 62:8 65:3  
**master's** 6:24 7:6  
**match** 29:17 40:12,24  
 41:21 44:23 48:22,24,25  
 49:11,17 52:16  
**matched** 41:13 78:16  
**matches** 49:11  
**materials** 26:3,10 29:6  
**matter** 48:14 57:17  
**mayor** 9:15  
**Mcclain** 35:16 74:10 95:4,  
 12  
**mean** 17:1 39:11 55:13  
**meaning** 53:21  
**means** 39:25  
**melee** 64:6 65:14  
**memory** 55:25 56:6 87:20  
 92:11  
**military** 6:20  
**mine** 41:10 81:9  
**minute** 55:3  
**minutes** 30:23,24 31:3  
 34:20,22 38:22 39:1 50:21  
 51:3 60:11 62:16 97:6  
**missing** 32:20  
**Mitchell** 9:5  
**move** 23:8,9 24:10,11,12,  
 13  
**moving** 46:19  
**multiple** 21:10,20 59:15  
 83:20  
**multitude** 37:22

---

### N

---

**name** 4:10,11,12,13  
**names** 9:2  
**nature** 24:19 63:24  
**necessarily** 31:25 37:17  
 38:9 61:13 63:15 66:22  
 68:4 76:20 77:4,13 78:2  
 79:5 85:11  
**necessary** 27:17,19 28:10  
 33:1,21,23 75:6,9  
**Ned** 8:13,15 9:7  
**need** 5:2,21,23 18:24  
 23:19,21 71:19 87:15 89:7

**negative** 95:9  
**never** 71:22 93:24 94:4,9  
**night** 41:11,12 44:17 78:8  
**nonfighting** 70:24  
**nonflight** 70:24  
**nonresisting** 69:22  
**notes** 54:3 93:8  
**notice** 30:4  
**noticed** 29:7  
**notified** 5:15  
**number** 13:20 18:11 24:1  
 51:17 53:12  
**numbers** 13:16  
**numerous** 36:7

---

### O

---

**object** 18:13 19:23 21:8  
 34:14 49:4,15 54:15 61:4  
 70:16 84:10 85:15 86:14  
 87:7  
**objection** 14:21 15:5 16:2,  
 6 17:16 18:7 20:10,17  
 21:15,22 22:12,23 23:13  
 24:18 25:3,8,17,20 26:5  
 27:21 28:7 33:7,24 39:7,  
 17 41:1 42:8,20 43:5 44:4,  
 11,14 49:13 62:1 63:13,23  
 65:20 68:8,17 69:2,15  
 71:1 75:7 80:3,4,19 84:20  
 95:7,15 96:22  
**objections** 15:11  
**objectively** 19:12  
**objects** 81:1  
**obstructing** 36:12  
**obstruction** 36:12,17  
**obtain** 32:22  
**obviously** 46:7  
**occupants** 78:16  
**occur** 85:19  
**occurred** 85:19  
**occurs** 78:3  
**October** 6:16  
**offered** 87:11  
**office** 5:24 51:19  
**officer** 6:5 10:9 14:16,20  
 15:1 17:10 22:1,3 23:7,8  
 24:16 29:22 35:9,13,16,19  
 36:7 39:14 45:11 48:1  
 51:7,8,17 52:3,7,9,15 59:6  
 60:7,14 61:3,11,18,21  
 62:9,11,19,21 63:7,8 64:5,  
 17,18,20,21 65:5,8,14,15,  
 16 66:4 67:14,20 68:3,14,  
 15,25 70:2,7,8,9,10,12  
 71:18,21 73:9 78:23 79:25  
 81:15,17 84:5 87:5,24  
 92:9,16,20 93:4,5,14,17  
 95:1,20 96:2  
**officer's** 10:18,22 13:3  
 28:3 29:18 76:3  
**officers** 7:15 9:19 16:17,23  
 17:3 18:3,5,11 19:21 20:8  
 21:20 22:10 24:7,9,10,12  
 28:22 39:15 42:7,16 43:3  
 44:9 45:12 58:16 62:19  
 63:20 64:6 65:17 68:6  
 74:8 78:15 83:14,19,20  
 84:9 86:4 94:14,22 95:4,  
 22 96:6  
**officers'** 22:20 24:24  
 28:25 59:2,11 63:22 79:3  
 96:1  
**official** 36:13,17  
**oftentimes** 77:25  
**oh** 54:11 91:18  
**Ohio** 88:11 89:11  
**okay** 4:14,17 5:3,14,17,20,  
 25 6:1,8,13,17,20 7:5,18,  
 21,24 8:2,14,19,23 9:1,6,  
 9,11,16,22,25 10:2,8,15,  
 25 11:4,7,10,14,20 12:4,6,  
 9,16 13:8,13,17,23 14:1,5,  
 8,11,14,18 15:10,15,16,  
 20,23 16:5,12,17,20,23  
 17:6,10,13,20,25 18:3,24  
 19:7 20:4,6,8 21:12,19  
 22:9,16,18 23:4 24:3 25:1,  
 11,24 26:2,9,12,20 27:4,9,  
 12,18,25 28:5,12,15,18,  
 21,24 29:4,10,14,17,25  
 30:4,7,13,20 31:12 32:1,4,  
 9,13,20 33:2,19 34:6,12  
 35:4,7 36:4 37:18 38:1,6,  
 12,18 40:3,8,16 41:14,23  
 42:2,5 43:10 44:9,22 45:1,  
 3,23 47:18 48:11,17 49:19  
 50:12,20 51:2,15,22 52:7,  
 10,13,24 53:6,11 54:4,22  
 55:3,16 56:15 57:4,7,10,  
 13,16,21 58:5,19,20 59:1,  
 5,9,18,21 60:2,5,19,23  
 61:24 62:7,23 63:3,17  
 64:14,17,20,24 65:6,13  
 66:1,3,7,10,13,17,23 67:9  
 68:1,5,11,23 69:11,21  
 70:1,22 71:6,24 72:19  
 73:18,25 74:4,8,13,24  
 75:3,12 76:6,14,21 77:5,  
 16,19,24 78:9,14,22 79:6,  
 11,17,23 80:14,16 82:9,  
 12,18 83:3,10,17,23 84:4,  
 17 85:3,12,23 86:22 87:4  
 88:2,7,25 89:19 90:8,12,

18 92:13,16 93:6,9,12,19,  
24 94:3,8,12,18 95:19,25  
96:13,19,25 97:4  
**once** 21:5,17 87:19 88:8  
89:8  
**one-on-one** 77:7  
**one-way** 45:15 46:1,12  
**operate** 85:1  
**operating** 38:5  
**operations** 7:15  
**opportunity** 87:9,12  
**opposed** 53:13,18  
**orange** 41:18 47:22 48:8  
49:24 52:17  
**order** 97:3,12  
**orders** 67:15  
**outside** 6:18 12:1,11 18:6  
**outside-of-policy** 11:15  
**overheard** 90:5  
**oversee** 7:14 77:15 79:19,  
20  
**oversees** 7:12

---

**P**

---

**P.M.** 97:18  
**packet** 24:5,15 27:13  
29:12,14 36:1 56:6 59:22,  
23 71:12 73:19 74:23,25  
76:19 90:9,13  
**packets** 71:6,7,10  
**page** 13:15 29:4,5,6 35:8,  
15 65:7 73:12,13,14 78:15  
88:18,19,23,24 89:20  
**pages** 55:9 74:1  
**pants** 41:20 47:24 48:9  
52:11,14,16  
**paper** 57:7  
**paragraph** 20:7 78:14  
88:5  
**paragraphs** 71:14,16  
**parked** 46:11 47:4  
**part** 14:18 33:2 36:1,4  
**participate** 15:20  
**particular** 54:8  
**particularly** 44:17,20  
**parts** 74:25  
**passenger** 40:10,21,22  
48:2  
**passenger's** 40:4  
**path** 45:25  
**patient** 81:11  
**patrol** 6:8,10 7:14,15  
**pay** 33:25

**people** 32:18 33:25 48:12,  
16 81:23  
**permitted** 17:10 69:12  
70:14  
**person** 22:4,5 23:8 38:7  
41:25 42:2,3,25 43:1,20  
49:11 66:21 67:19 68:25  
71:17 86:3,25 97:2  
**personnel** 19:10,11 20:3  
**pertinent** 75:4  
**Pettus** 8:13,15,16 9:8  
**Phillips** 30:15 31:22 34:7  
35:1,4 36:11,23 38:21  
40:4,8,21 41:4,8 45:9,14,  
23 46:10 47:6,12 53:12  
54:25 56:8 64:10,14 65:18  
66:20 67:2 74:13 75:14,22  
76:2,14,16 78:7,22,24  
79:11 82:19,20,21 83:1  
84:6 85:17 88:10,11  
89:10,11,23 90:13 91:5,9,  
11,14,24 92:5,8 93:19  
94:9,20  
**Phillips'** 34:7 35:22 36:16,  
18 37:2,16 40:9 53:9,17  
54:12 60:20 64:21 65:10  
71:14 75:25 76:7 79:2,8  
82:21,24 83:3,11 84:7,13  
85:4,9 86:10 87:6,25  
89:20 90:22 92:2 93:7,15,  
16  
**Phillips's** 65:9 85:13  
**phone** 90:23 91:22,24  
**photographs** 73:21,23  
74:1  
**physical** 19:14  
**piece** 57:7  
**place** 18:1  
**play** 30:7,13 34:21 38:18,  
22,25 40:15 45:5 51:22  
55:6 60:5,6 62:7 63:3 76:6  
92:2  
**played** 30:16 31:1 34:24  
38:23 39:3 40:18 50:13,22  
51:4,25 60:9 62:11,14  
64:12 76:10 90:19,24  
91:20 92:3 93:22 94:6  
**playing** 51:2  
**please** 13:14 21:23 80:5  
87:13  
**plethora** 80:1  
**point** 34:15 41:12 58:14  
**police** 4:15,16 5:16 6:5  
7:13,25 8:1,4 14:2 15:17  
39:14,15 44:2 69:12,17,21  
72:1

**policies** 14:19 15:3 79:21  
**policy** 9:20,23 10:18 12:2,  
19,20,22 14:16,25 16:18,  
21 17:17,20,23 18:1,5,14,  
20 24:24 25:1,15,19 29:1  
56:9 58:16 72:1 77:14  
94:14,17  
**position** 4:14 6:14 9:16  
**possibilities** 23:1 68:21  
**possible** 22:8,17 23:1  
39:25 78:3  
**possibly** 53:21,24  
**practical** 22:7  
**Premier** 73:9  
**premise** 49:15  
**preparation** 5:9  
**present** 88:13 89:13  
**presented** 84:8 86:24  
**presumably** 82:4  
**presupposition** 69:4  
**previous** 96:7  
**previously** 30:14 51:23  
62:8 65:3  
**prior** 13:9 66:14 95:5,14  
96:3  
**prisoner** 11:19 12:24 13:2  
**probably** 22:25  
**procedures** 38:5  
**proceeding** 36:13  
**process** 10:3  
**protect** 19:13  
**prove** 74:20  
**provided** 93:1  
**providing** 25:6  
**proximity** 24:7  
**public** 8:10  
**pull** 47:23  
**pulled** 48:1  
**pulling** 78:17  
**punching** 70:3  
**put** 21:2 40:25 76:22

---

**Q**

---

**qualification** 75:8  
**question** 4:23 9:17 13:1  
15:13 17:2 18:4,8 19:16  
20:13 23:20 24:20 26:6  
29:20 37:1 41:2,16 42:9,  
21 43:9 44:1,5,15 46:8  
48:5,19 49:9 54:10,16,18,  
20 55:17 56:2,3,10 57:20  
58:6,13 61:15 63:25 66:25  
67:11 68:11,14,18,21  
69:7,25 75:8 80:5,20  
87:18 89:2 95:8,17

**questioning** 81:11  
**questions** 4:21 28:19  
 43:15 44:6 51:9 53:3,8,11,  
 16 59:15 81:5,7 86:19  
 87:19 94:19,25  
**quite** 83:15  
**quote** 94:1

---

**R**

---

**race** 40:5 44:16,22 48:23  
 52:6 78:20  
**radio** 38:20 40:20  
**rank** 6:2  
**reach** 11:8,10  
**read** 27:6 55:11 59:2,21  
 60:3 89:6  
**reading** 89:17  
**real** 19:2  
**realm** 80:21  
**rear** 45:8 50:7  
**reason** 5:5 10:10 19:11  
 34:8 35:2,23 36:21 37:3  
 54:13,25 94:15  
**reasonable** 17:4,8,12  
 19:13 25:22 70:20,23 71:4  
 78:24  
**reasonableness** 17:15 82:2  
**reasons** 37:21,22  
**recall** 8:21 15:16 25:9  
 28:20,23 29:3 34:13 36:8  
 38:15,16 40:14 50:11  
 53:2,15,19 57:15 58:1,2  
 60:17 62:5 64:11 93:16,17  
 94:2,3,5  
**received** 13:24  
**recess** 87:21 97:7  
**recognize** 52:10  
**recollection** 37:5  
**recommendation** 26:25  
 32:24 71:15 72:4,8 74:5  
 80:10,11,12  
**recommendations** 13:20  
 76:18 82:7  
**recommended** 79:25  
**record** 4:10 15:14 30:9  
 36:10 37:8 43:11,14 46:5,  
 6,9 48:3 58:7 69:12,19  
 77:11,20 80:25 87:8  
**recorded** 77:8 78:4,12  
 82:21 83:21  
**recording** 33:13,14 77:2  
 91:17  
**recordings** 58:23 62:13  
 78:1

**recruit** 6:4  
**Rector** 88:6,8,10,16 89:5,  
 8,10,21 90:3,6,9  
**Rector's** 73:18 90:2  
**red** 45:24  
**reduces** 32:7  
**reference** 15:11 72:17  
**referenced** 37:20  
**referencing** 41:25 76:11,  
 12 78:5  
**referring** 17:20  
**reflect** 87:8  
**refresh** 55:25 56:6  
**refreshes** 87:20  
**refusal** 79:9  
**regard** 96:19  
**regarding** 63:6 94:19  
**regularly** 16:13  
**rehear** 90:16  
**related** 68:19  
**relevant** 84:18  
**remember** 4:24 9:2 27:11  
 28:15,17 29:2 30:6 34:10  
 40:4 54:1,2 55:1,13,15,19  
 56:18,24 57:19 58:14,17,  
 22,25 59:2,4,6,8,10,18,20,  
 21 60:1,2,4 63:6,9 76:1,5  
 92:11,13 93:21  
**render** 28:9  
**repeat** 14:22 42:9 56:3  
 60:13 61:15 80:5 95:10  
**replay** 50:21  
**replaying** 90:22  
**report** 8:3,8 9:13 13:3  
 14:10 32:2 33:4,5,16  
 73:10 74:18 85:2 92:1  
**reported** 24:8 53:14  
 61:20,21 94:16  
**REPORTER** 65:1 97:10  
**reporting** 93:17  
**reports** 8:10 24:10 61:18  
**representing** 46:4  
**request** 32:25  
**requests** 97:3  
**reread** 89:7  
**research** 6:11  
**researched** 33:15  
**resist** 78:23  
**resisted** 93:25 94:4,9  
**resisting** 63:19 66:21 67:3,  
 10,16,20 69:1,14,24 70:1  
 71:18 72:3  
**resistive** 67:24  
**resolve** 30:1

**respect** 87:1  
**responded** 45:12  
**responding** 45:12 97:3  
**responds** 81:2  
**response** 19:12  
**responsibility** 34:3  
**rest** 31:17 63:3  
**result** 12:16 16:15  
**returning** 91:3,7  
**reveals** 13:5  
**review** 9:25 10:3,7,17,24  
 11:1,9,11 12:14 14:14,18  
 15:2,17 24:4 25:14 27:3,5,  
 17,20 29:10,11,14,15  
 32:9,10 33:4 34:1 52:25  
 55:16 57:11,22 63:5  
 65:13,25 67:12 71:6  
 74:22,23,25 75:1 79:24  
 87:23 88:2 90:8 94:18  
 95:23 96:1,7,9  
**reviewed** 27:6,7 54:7 66:4  
 82:7  
**reviewing** 17:13 55:18  
 56:5 61:9 66:17 74:16  
 96:8  
**right** 13:13 44:19 47:4  
 64:22 65:10 74:11 83:17  
 86:4  
**robbed** 42:13  
**role** 48:20 49:9  
**room** 44:19  
**rule** 96:16,18  
**running** 42:6 43:20,21,22  
 52:3 70:2

---

**S**

---

**safe** 83:25  
**safety** 8:10,12,17,20 9:12,  
 14  
**satisfaction** 80:15  
**satisfied** 80:16  
**saw** 52:14 96:9  
**saying** 13:2,4 52:22 53:25  
 65:25 71:24 73:11 76:2  
 77:21 93:19  
**says** 18:15 19:9,24 20:2  
 23:7,8 26:17,23 29:6,22  
 37:6 47:12 50:25 61:10,  
 11,17 65:8 73:3 74:3  
 78:22 80:18 88:22 89:16,  
 18,23 91:7  
**scared** 24:11  
**scene** 22:2,5 88:9 89:9  
**second** 13:15 21:14 75:21  
 78:14 90:25



**second-to-the-last** 26:17  
**seconds** 31:4 34:23 38:22  
 39:2 45:12 47:23 50:21,24  
 51:3 60:12 62:17  
**section** 10:16  
**sections** 7:22  
**secured** 88:9 89:9  
**see** 25:14 27:25 42:7 45:24  
 48:2 50:10,16,17 52:2,5  
 56:21 60:24 61:10,17  
 62:19,20 73:1 90:9,12  
 96:2  
**seen** 71:22 78:17  
**sense** 43:7,16  
**sentence** 75:21 89:6  
**separate** 21:4  
**September** 7:9 16:1 18:1  
**sergeant** 6:5 10:22 73:3,18  
 75:13 78:6 81:21 88:5,8,  
 10,15 89:5,8,10,21,22  
 90:1,3,5,9  
**serious** 19:14  
**service** 9:4  
**services** 6:12  
**shirt** 64:10,15  
**shirts** 64:9  
**shorts** 41:18 47:22 48:9  
 49:25 52:18  
**sic** 38:19 78:18  
**side** 45:9 47:9,13,15,18  
**sign** 38:7,13 79:1 86:5,6  
**signature** 26:16,18 97:10  
**signed** 38:6,12 86:1,2  
**signing** 54:23  
**signing-off** 66:14  
**single** 43:23 57:7  
**sitting** 56:20 58:21 59:1,5,  
 9  
**situation** 27:18 33:19 43:2  
 67:18 70:22 72:2 79:17  
**situations** 19:4  
**six** 7:20,23 81:23 82:1  
**skin** 41:10  
**sole** 94:15  
**somebody** 31:16 43:19  
 77:9  
**SOP** 37:20,24 38:2,4 77:18  
**sorry** 19:20 29:5 30:11  
 33:15 37:24 38:4 39:1,8  
 50:9 51:9,10,13 52:25  
 54:10,11 56:3,13 75:18  
 76:24 83:18 90:21 95:17,  
 23  
**sound** 18:4

**sounds** 94:1  
**south** 7:14  
**southern** 7:16  
**speak** 5:11 18:17,19 88:9,  
 12 89:10,12  
**speaks** 9:7 18:14,20 34:16  
**specific** 61:19 66:24 67:11  
 79:21  
**specifically** 14:4 15:12  
 23:17 25:9 45:6 55:22  
 67:24 72:18 93:11  
**specificity** 66:24  
**speculation** 22:24 23:14  
 24:20 80:22  
**spell** 4:9,10  
**spelled** 4:13  
**spray** 19:1  
**Standard** 38:5  
**start** 10:5 34:22  
**starting** 35:8 65:7  
**state** 4:10 76:9  
**stated** 34:7 74:14 75:14  
 77:9 88:8,10 89:8,10 92:8  
**statement** 34:19 61:3  
 69:16 78:10,11 79:8,11,13  
 83:4 90:2,10  
**statements** 25:2,7,13 59:3,  
 7 96:1  
**states** 73:20 88:15 89:4,22  
**stating** 19:21  
**statistics** 14:1  
**stayed** 92:10,13  
**step** 75:23 76:3 89:24  
 90:14  
**stepped** 93:21  
**stick** 81:4  
**stipulate** 73:13 88:17  
**stop** 9:19 10:5,7,18 11:2,  
 22 16:25 17:4 31:3 37:9  
 42:7,17 43:4,23 44:13  
 56:8 60:11 62:16 90:25  
 92:9 94:15  
**stopped** 10:9 31:9 34:8  
 35:2,23 36:20 37:3 46:14,  
 17 48:22,23,24 49:12  
 54:13,25 61:11 92:9,10,14  
 94:20  
**stops** 16:20  
**store** 47:7  
**story** 28:2,3 29:18 86:11  
**strategic** 7:7  
**street** 23:6 24:4,6 42:12,  
 14,17 43:20,22,23 45:14,  
 15,23,25 46:1,2,12,21,22  
 47:6,13

**struggling** 65:19  
**subdivision** 7:12  
**subdivisions** 7:23  
**subject** 13:19 22:19  
**sudden** 58:11  
**sufficient** 28:9 74:20  
**sufficiently** 27:22  
**suggest** 43:15  
**summarize** 33:25 34:4  
**summarized** 27:23  
**summary** 88:15,22 89:4,  
 14,16  
**supervisor** 78:7,10  
**supplement** 4:25  
**support** 57:17,21 76:23  
**supposed** 10:19 19:5  
 78:11 97:1  
**sure** 14:19 15:3 58:6 77:19  
**surprised** 58:8  
**suspect** 13:6,9 20:25 21:1,  
 6,7,13 22:20,21 23:4,5,10,  
 22 24:3,6,7,10,14 25:12  
 39:21 40:1 44:3 47:19,20  
 50:9 62:25 63:19 70:24  
 80:18  
**suspect's** 23:22,23  
**suspects** 40:25 41:24 50:3  
 53:12 78:17  
**suspicion** 17:4,8  
**sustain** 71:20  
**sustained** 72:11 80:1  
**sworn** 4:2 19:10  
**system** 36:14

---

**T**


---

**take** 5:2 10:2 55:3 87:13,  
 14  
**take-home** 26:10  
**taken** 4:18 87:21 97:7  
**takes** 78:10  
**talk** 28:21 32:17 79:9 83:5  
**talked** 78:19  
**talking** 7:22  
**tape** 34:22 52:14 86:17  
 87:6,25 93:22 94:8  
**tapes** 58:23  
**Taser** 11:13 19:1  
**taught** 16:23 17:3 20:15  
 21:5,12,20 22:4,9,10  
**technical** 6:12  
**tell** 6:1 27:4 28:24 58:10  
**telling** 37:12 51:13 70:9  
**tells** 15:12 18:11 19:4

**terminology** 75:10  
**terms** 9:10  
**testified** 36:8 37:12 46:10  
**testimony** 36:6,9 37:4,9  
 46:14 47:1,3,25 48:3 49:6  
 83:10 84:12  
**Thank** 4:8 9:11 97:9  
**thing** 20:19 47:19 86:5  
**things** 20:21 24:1 34:1,18  
 39:18 47:16 67:23 77:25  
 96:7  
**think** 31:8 41:11 59:14  
 78:1 81:13 97:5  
**thinking** 38:16  
**Third** 88:5  
**thorough** 32:13 38:14  
 79:24 80:9,13 85:4,7,10,  
 13 86:7,9  
**thought** 38:13  
**thousands** 16:9  
**threat** 19:14  
**three** 8:22,23 21:4 53:13  
 56:17,18,25 57:1,5,8,12,  
 23 58:2,18 71:13,16 72:12  
 81:23  
**three-second** 96:15,17  
**time** 13:6 15:8,24 20:9,12,  
 16,20,21 21:21 32:1 34:1  
 65:22 69:5 81:1 86:18  
 96:23  
**timeline** 9:4  
**times** 10:25 36:7  
**today** 5:5,9,12,16 57:12  
 58:21 59:1,5,9  
**told** 24:12,17 88:11 89:11  
 92:16 94:20,22  
**topics** 16:9  
**traffic** 68:13  
**train** 16:8  
**training** 15:21,24 17:7,18  
 18:22 25:6,19,24 26:1  
 96:19  
**trainings** 16:10 26:2  
**trajectory** 6:2  
**transcribing** 66:9  
**transcript** 65:4 66:8  
**transportation** 39:25  
**trial** 5:21 57:16 58:7,8  
**trooper** 88:12 89:12  
**truck** 48:2 60:16,20 61:19  
 92:17 93:20  
**trying** 43:14 68:23 94:9  
**turn** 13:14 19:7 35:7 45:21  
 81:8 88:3 92:17

**turned** 92:17  
**two** 8:23 20:20 24:7 30:1,  
 11 36:23 37:16 42:6,12,18  
 47:16 49:20 51:9 81:23  
 91:23 97:6  
**type** 10:4 25:14

---

### U

---

**U-10-100** 73:10  
**Uh-huh** 14:24 38:3 64:8  
**Uh-uh** 30:25  
**un** 69:25  
**unable** 62:19 93:10  
**unanswerable** 69:25  
**unavailable** 5:16  
**understand** 4:21 7:10 18:8  
 29:20 54:21 86:20 96:5  
**unfamiliar** 77:17  
**unit** 6:11  
**units** 6:9  
**unnecessary** 74:15 75:6,9,  
 15  
**updated** 5:24  
**use** 9:22 11:15,18,23 12:8,  
 11,13,23 13:6 14:2,14  
 16:18 17:11,14 18:12,17,  
 20,21 19:10,21 35:5,9,13,  
 16,20 36:21,25 39:5,10,  
 15,18,20 56:8 67:9 68:13  
 70:18 74:9,16  
**use-of-force** 13:3 17:23  
 18:10 72:1 81:15 82:6,16  
**useful** 83:7  
**uses** 11:4,6  
**usually** 27:12

---

### V

---

**Vaguely** 15:19  
**variables** 23:16  
**vehicle** 48:25 50:10,17  
 53:17 60:25 61:10,11,12,  
 18,19 75:24 76:4 78:15,17  
 89:25 90:15  
**version** 28:2,3 29:18 79:2,  
 3 82:14,22 83:1,12 86:10  
 93:7,14  
**versus** 17:18  
**vicinity** 94:16  
**video** 5:18 27:20 28:6  
 34:15 51:25 52:4,11 57:1  
 73:4 77:1  
**videos** 55:6 56:21  
**violated** 15:1

**voicemail** 91:14,16  
**voicemails** 91:23

---

### W

---

**wagon's** 73:4  
**waist** 48:3  
**walk** 68:16  
**walking** 23:6 24:3,6 42:14  
**want** 4:25 18:3,5 19:2  
 30:23 31:11,17 40:15  
 55:4,7,11 58:6,8 63:11,17  
 69:11 70:5,11 76:6 81:7,  
 16  
**wanted** 65:17 67:1 92:9  
 93:25 94:10  
**warning** 68:6  
**warrant** 79:7  
**wasn't** 10:10 40:17  
**watch** 27:12  
**watched** 27:9  
**watching** 56:21  
**way** 46:11 68:3,15  
**ways** 18:23 21:10  
**we'll** 5:1,21 73:13  
**we're** 15:13 58:8 80:21  
**we've** 36:6,9,24 78:19,21  
 81:10  
**wearing** 47:22 49:25  
**went** 34:19 93:21  
**white** 40:10,22 41:15,19  
 42:2,6,13,15,18,25 43:3,  
 19,21 47:19 51:8,20 52:2,  
 8,15,16 53:6 64:9,10,15  
**whites** 49:20  
**wish** 10:12  
**withdraw** 23:5 96:14  
**witness** 4:2 15:6 19:8  
 26:15 37:10 43:11 45:22  
 72:24 81:2 88:4 91:7  
**woman** 40:10,23 41:15,19  
 42:7,17 43:3,4,21,24 48:8,  
 9 52:3,15,16 53:13  
**women** 42:6,13,15,19  
 43:21,22  
**word** 20:5 46:19 93:17  
**word-for-word** 61:22  
**wording** 75:13  
**words** 34:11 92:7,12  
**work** 6:9  
**worked** 6:10,11  
**wouldn't** 23:2 27:19 33:22  
 43:8 52:5 61:14 84:14  
**wrap** 41:18 47:22 48:8  
 49:24 52:18

**writing** 32:8  
**written** 33:6 88:18,23,24  
**wrong** 46:11  
**wrote** 94:2

---

**Y**

---

**yeah** 15:7 18:16 29:13  
39:13 91:14  
**year** 6:25  
**years** 6:15 8:24 56:17,18,  
25 57:2,5,8,12,23 58:3,18  
**yesterday** 97:13